

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Tuesday, March 26, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME V

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire
Teresa Whalen, Esquire

Reported by:

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For the Defendant Randy Banks:

Brian Sardelli, Esquire

For the Defendant Corloyd Anderson:

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For the Defendant Jamal Lockley:

Harry Trainor, Esquire

For the Defendant Shakeen Davis:

Paul Hazlehurst, Esquire

For the Defendant Sydni Frazier:

Christopher Davis, Esquire

Also Present:

Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:19 a.m.)

THE COURT: Good morning, everyone.

You can be seated, please.

MS. HOFFMAN: Good morning.

THE COURT: We're ready to resume. We have cross-examination. I gather the witness after that is Dr. Locke; is that right?

MS. HOFFMAN: That's right.

THE COURT: We have an issue about the number of autopsy photographs.

MS. HOFFMAN: Right.

THE COURT: And if you'd like to respond on that, Ms. Hoffman.

MS. HOFFMAN: Sure, Your Honor. And I have them on the laptop here if you'd like me to pull them up.

THE COURT: I'm sorry. You have them what?

MS. HOFFMAN: I have the autopsy photos on the laptop here --

THE COURT: Okay.

MS. HOFFMAN: -- if you'd like me to pull them up.

So there are four autopsy photos that we intended to use with Dr. Locke regarding the Brian Johnson --

THE COURT: I'm sorry. Four for Mr. Johnson?

MS. HOFFMAN: Right. And I'm sorry. I'm going to

1 just get it up on the computer here.

2 **THE COURT:** We're talking about Brian Johnson?

3 **MS. HOFFMAN:** Yeah. So Brian Johnson, a/k/a Nutty B,
4 is the one who was murdered in September of 2015 and the --

5 **THE COURT:** So if it's only four photos, then perhaps
6 this issue doesn't really need to be addressed as to
7 Mr. Johnson, Mr. Brian Johnson.

8 Ms. Whalen, you objected, but there were like 14
9 photographs for Mr. Ellis as compared to, for example, three
10 photographs for Mr. Hornes, which you said was -- seemed
11 reasonable. We're apparently now at four photographs for
12 Brian Johnson?

13 **MS. HOFFMAN:** It's four, yes. I'm sorry. I just
14 pulled up the first one.

15 The first one is just of his face.

16 Second is of the entrance wound.

17 Third is of the exit wound.

18 And one of them is of a tattoo that's of interest.

19 **THE COURT:** Okay. For those four photographs we're
20 fine.

21 **MS. HOFFMAN:** Thank you.

22 **MS. WHALEN:** Your Honor, my understanding is that the
23 Government was not going to call a Medical Examiner, and so
24 this issue may be moot if the defendants actually stipulate to
25 the chemists.

1 **THE COURT:** Right.

2 **MS. WHALEN:** And there is a signed stipulation that
3 was just handed to the Government.

4 **MS. HOFFMAN:** We are happy to stipulate to the
5 remaining Medical Examiners. We didn't do the autopsies
6 through Detective Moore or Detective Diaz, and we have
7 Dr. Locke right outside ready to testify.

8 So we would still like to call Dr. Locke, but we're
9 happy to stipulate to the remaining Medical Examiners, assuming
10 that we do, in fact, have a signed stipulation to the chemists.

11 **THE COURT:** Okay. So we would be limited to just
12 Dr. Locke with these four photographs, and then after that it
13 can be done by stipulation with autopsy reports and a
14 reasonable number of photographs?

15 **MS. HOFFMAN:** So Dr. Locke was also the
16 Medical Examiner for Antoine Ellis, and that is the 14
17 photographs.

18 **THE COURT:** Ah.

19 **MS. HOFFMAN:** And I am happy to walk through them.
20 And I picked out photographs to show he was shot -- he had
21 13 gunshot wounds, and so I picked out photographs of each
22 wound.

23 **THE COURT:** Right, which we don't need. There's going
24 to be no -- there's no issue -- unless you can tell me that
25 there is some way in which a particular photograph is going to

1 be used later to prove something --

2 **MS. HOFFMAN:** Sure.

3 **THE COURT:** -- we don't need the photographs to prove
4 that there were 13 gunshots.

5 **MS. HOFFMAN:** Sure. Okay. And so in that case, if I
6 selected photos, let's say, two or three photos of the most
7 fatal wounds, would that be --

8 **THE COURT:** Two or three photographs would be fine.

9 **MS. HOFFMAN:** Okay. Thank you.

10 **MS. WHALEN:** There's one additional issue.

11 My understanding is that the Government provided a
12 different exhibit, autopsy 3C, which is Brian Johnson, and it
13 shows a wound. And it also shows a stitched -- apparently a
14 stitched incision.

15 **MS. HOFFMAN:** I can pull it up, actually.

16 **MS. WHALEN:** And that was what was provided in the
17 exhibit book.

18 **THE COURT:** Okay.

19 (Counsel conferred.)

20 **MS. WHALEN:** So the new one that they'd like to
21 substitute we'd object to and ask that the other one be used
22 instead. I think it shows the wound.

23 **MS. HOFFMAN:** It might be helpful if I explain.

24 The other one I actually believe is more gory and
25 doesn't capture the entrance wound. After having talked to

1 Dr. Locke further, he explained that this is actually a
2 therapeutic wound (indicating) and not the entrance wound.
3 Whereas, new Government's Exhibit -- we simply took this out
4 and substituted for it new Government's 3C, which shows the
5 actual entrance wound and which I think is less gory because it
6 has less of the stitching and therapeutic injury.

7 **THE COURT:** Okay.

8 **MS. WHALEN:** I guess our view is that's more gory.

9 **THE COURT:** I think they --

10 **MS. WHALEN:** And it's not from the gunshot wound.
11 It's simply from an incision.

12 **THE COURT:** But doesn't this picture have the entrance
13 wound in it?

14 **MS. HOFFMAN:** Yes, so this is the entrance wound
15 (indicating).

16 **THE COURT:** All right. We can substitute that one.
17 All right. Do we have the witness, Detective Moore?
18 Can we get Detective Moore on the stand, please.

19 **MS. HOFFMAN:** Yes.

20 (Jury entered the courtroom at 10:26 a.m.)

21 **MS. WHALEN:** May I proceed, Your Honor?

22 **THE COURT:** I think we're waiting on one matter.

23 **MS. WHALEN:** Oh, I apologize.

24 **THE CLERK:** Detective Moore, you're still under oath.

25 **THE WITNESS:** Yes, ma'am.

~~MOORE - CROSS~~

1 DETECTIVE RICHARD MOORE, GOVERNMENT'S WITNESS,
2 PREVIOUSLY SWORN.

3 **THE COURT:** Ms. Whalen.

4 **MS. WHALEN:** Thank you, Your Honor.

5 CROSS-EXAMINATION

6 **BY MS. WHALEN:**

7 **Q.** Good morning, Detective.

8 **A.** Good morning.

9 **Q.** You were telling us about the shooting of Brian Johnson
10 and your investigation yesterday when we left off; right?

11 **A.** Yes, ma'am.

12 **Q.** And at that scene, you endeavored or attempted to collect
13 whatever evidence that you felt was important for your
14 investigation; is that right?

15 **A.** I got to the scene after the scene was processed. There
16 was a nonfatal shooting, Detective Jimmy Dease, that was
17 originally assigned to the case prior to Brian Johnson being
18 pronounced deceased.

19 **THE COURT:** Could you just back up slightly from the
20 microphone.

21 **THE WITNESS:** I'm sorry.

22 **THE COURT:** Okay.

23 **THE WITNESS:** So when I got to the scene, the scene
24 was already processed.

25 **BY MS. WHALEN:**

~~MOORE - CROSS~~

1 Q. I see. And found at the scene was a .40-caliber
2 shell casing; is that right?

3 A. Cartridge case, yes, ma'am.

4 Q. Cartridge case.

5 A. Yes, ma'am.

6 Q. Is that the same as a shell casing?

7 A. Yes, ma'am, same thing.

8 Q. Now, I'm going to show you -- we'll go to transcript
9 Page 96, which is J-29T.

10 THE COURT: I'm sorry. Transcripts of which?

11 MS. WHALEN: This is the jail call transcript.

12 THE COURT: I'm sorry.

13 MS. WHALEN: Thank you, Your Honor.

14 THE COURT: What page again?

15 MS. WHALEN: 96.

16 BY MS. WHALEN:

17 Q. Now, let me just show you to orient you to this. This is
18 inmate Adrian Spence, August 23rd of 2015.

19 Do you recall testifying about this particular call?

20 A. Yes, ma'am.

21 Q. All right. And in the middle of the transcript, do you
22 recall there was a woman speaking and said [reading]: Gutta
23 out here sending threats.

24 Do you recall that?

25 A. Yes.

1 Q. And do you actually recall hearing that on the wire call
2 today?

3 A. Yes.

4 Q. All right. And "out here sending threats," she was not
5 incarcerated; right?

6 A. No, ma'am.

7 Q. And so you during your investigation learned that Gutta
8 was incarcerated in Baltimore County Detention Center; isn't
9 that correct?

10 A. That's correct, ma'am.

11 Q. Now, there were some other calls that you looked at or
12 transcripts and calls that we heard, one of which was purported
13 to be Dante Bailey as an inmate. And Dontray Johnson visited
14 him; do you recall that?

15 A. Yes, ma'am.

16 Q. All right. And during that call, there were some places
17 in which you couldn't make out words; right?

18 A. They was talkin' low so you wouldn't hear the words.

19 Q. Okay. Like a whisper; right?

20 A. Yeah, so you couldn't hear the words. But some words you
21 still could hear; some words you couldn't.

22 Q. All right. And so when you couldn't hear words or
23 decipher them, you put or you had someone put on a transcript
24 "unintelligible" or something -- some word to that effect;
25 right?

1 **A.** It was -- this is not my transcript.

2 **Q.** It's not?

3 **A.** No.

4 **Q.** Okay. So at some point somebody else provided you with a
5 transcript; is that correct?

6 **A.** No. My -- everything that I wrote down when I was
7 listening to the jail calls, I put it in my Lotus Notes.

8 **Q.** Okay. Your Lotus Notes are your sort of running
9 note-taking for your case; is that correct?

10 **A.** Yes, ma'am.

11 **Q.** All right. And so did you do a actual transcript?

12 **A.** No, ma'am.

13 **Q.** All right. You just did some notes; right?

14 **A.** Yes, ma'am.

15 **Q.** And Lotus, is that the software that you use in order to
16 record your notes?

17 **A.** Yes, ma'am.

18 **Q.** Okay. So at some point you yesterday testified about a
19 transcript; right?

20 **A.** Yes, ma'am.

21 **Q.** And that's not your transcript; right?

22 **A.** No, ma'am.

23 **Q.** Okay. And at some point someone showed you that
24 transcript; right?

25 **A.** Yes, ma'am.

1 Q. And do you even know who made that transcript up?

2 A. It was the U.S. Attorney's Office that made the
3 transcript.

4 Q. And that's who gave it to you; is that right?

5 A. Yes, ma'am.

6 Q. Now, when you could not hear words on the call -- or I
7 guess it was a visit, really, a recording of a visit -- in your
8 Lotus notes, did you also note "can't hear" or some words to
9 that effect?

10 A. If I didn't hear anything, I just didn't write down
11 anything, because I couldn't hear it.

12 But the normal way of doing things is to write what you
13 are just now talking about.

14 Q. What you hear, you write; right?

15 A. Right.

16 Q. Okay.

17 A. And what you don't hear, they put something in there just
18 to indicate that they couldn't hear it.

19 Q. All right. Now, having said all that, you don't know in
20 those portions of that meeting whether the individual talking
21 to Dante Bailey was explaining to him, for instance, that
22 Mr. Johnson was even shot, do you?

23 A. I don't understand the question, ma'am.

24 Q. Well, at some point in your listening to that call, there
25 was a conversation in which, supposedly, Mr. Johnson says that

~~MOORE - CROSS~~

1 Fish slapped him, meaning Brian Johnson; right?

2 **A.** Dominic Kane is Fish, a/k/a Craig, slapped Brian Johnson,
3 a/k/a Nutty B.

4 **Q.** All right. And so what I'm asking you is: In those
5 portions that you couldn't hear, you don't know whether
6 Dontray Johnson also said Dominic Kane or Craig actually shot
7 Brian Johnson?

8 **A.** Well, if he said that, he would be lying.

9 **Q.** Do you know whether he said that, sir?

10 **A.** Nobody knows what he said because he was talkin' low so
11 nobody could hear him.

12 **Q.** And would your Lotus Notes refresh your recollection as to
13 your transcript rather than the U.S. Attorney's transcript, as
14 to what you heard?

15 **A.** I'm sorry?

16 **Q.** Would your Lotus Notes help you remember your transcript
17 of what you heard?

18 **A.** I don't need the State's Attorney transcript or my -- my
19 Lotus Notes to remember what I heard.

20 **Q.** Okay. And did you record in your Lotus Notes that you
21 could not hear the whispering?

22 **MS. HOFFMAN:** Objection.

23 May we approach?

24 **THE COURT:** Okay.

1 (Bench conference on the record:

2 **MS. HOFFMAN:** So I think that this is a misleading
3 question, because although he did record in his notes that some
4 portions of it could not be heard, I believe Ms. Whalen is
5 referring to the portion in which the transcript says that
6 Dante Bailey said: You should have blown another "N" word's
7 head off.

8 And he did, in fact, have that in his notes. It says
9 it right here.

10 **MS. WHALEN:** But he also -- and my question was not
11 specific to that. It was just simply: Did you record that in
12 the whispering, you can't hear the words?

13 **MS. HOFFMAN:** I do think that it needs to be specified
14 which whispering you're referring to.

15 **THE COURT:** Where does he say that in here?

16 **MS. WHALEN:** (Indicating.) They're two
17 different . . .

18 **THE COURT:** Okay. So I think this does actually
19 relate to the part that Ms. Whalen was talking about, which
20 it's right after the part about Craig slapped him first, and
21 Ms. Whalen had asked the question about whether it was possible
22 that during the whispering that continued, he might also have
23 said that Craig didn't shoot him. That's what I understood the
24 portion of the conversation that Ms. Whalen was getting to.

25 **MS. WHALEN:** No. I was just asking him simply: "Did

~~MOORE - CROSS~~

1 you record that you couldn't hear the whispering words?" On
2 his Lotus Notes.

3 The Government has turned it into this particular
4 report.

5 **THE COURT:** Okay. Well, that question he already
6 answered. And he said in general, no, he didn't --

7 **MS. WHALEN:** Okay.

8 **THE COURT:** -- put that in.

9 I mean, if you want to focus it on one specific point
10 you did put that in, then I think it needs to be directed to
11 that part.

12 **MS. WHALEN:** That's fine, Your Honor.

13 **THE COURT:** Because you had a conversation with him
14 about unintelligible, and that's usually in there. And he
15 said, "No, I didn't put that. I just put what I heard." So if
16 you want to do it, just rephrase the question.

17 **MS. HOFFMAN:** Thank you.)

18 (Bench conference concluded.)

19 **MS. WHALEN:** Your Honor, I'll withdraw the question
20 and move on.

21 **THE COURT:** All right.

22 **BY MS. WHALEN:**

23 **Q.** Now, back on July 22nd of 2015 -- well, let me strike
24 that. Let me go back.

25 Brian Johnson was killed on what date?

~~MOORE - CROSS~~

1 A. September the 29th, 2015.

2 Q. And back on July 22nd of 2015, Fish was involved -- that
3 being Dominic Kane -- in a shooting in which Brian Johnson was
4 shot; isn't that right?

5 A. I don't know much about that case.

6 Q. Okay. But you know that that event occurred?

7 A. I do know that Brian Johnson was shot previously.

8 Q. All right. And do you know that Fish was involved in that
9 shooting?

10 A. I don't know that information.

11 Q. All right. And on the video that we saw yesterday, it was
12 clear to you that Dominic Kane, Fish, was the one that struck
13 Brian Johnson; right?

14 A. Yes.

15 Q. And Brian Johnson fought back; right?

16 A. Yes.

17 Q. Now, I'd like to also show you one other jail call
18 transcript that you talked about yesterday, and that is
19 Page 130.

20 Up at the top I'm going to show you or remind you -- first
21 of all, this is not your transcript of a jail call; right?

22 A. No, ma'am.

23 Q. Okay. But it says [reading]: Dontray Johnson,
24 October 7th, 2015.

25 Right?

1 **A.** Yes.

2 **Q.** And it's an unknown female that he's talking to; right?

3 **A.** Can you move it down just a little bit.

4 **Q.** This way (indicating)?

5 **A.** Yes. Thank you.

6 **Q.** Sure.

7 **A.** Just give me a second to read through it.

8 **Q.** Sure.

9 **A.** Okay. Yes, ma'am, I remember this.

10 **Q.** All right. In the middle of the page, do you recall
11 that -- and I'm putting my pen right there (indicating) --
12 Johnson allegedly says [reading]: Yeah, I need you to holla at
13 yo, too?

14 **A.** Yes.

15 **Q.** [Reading]: I need you to go over there and holler at yo.
16 Right?

17 **A.** Yes.

18 **Q.** "Holla at Yo" means "go over there and talk to yo," right,
19 in the context of this call?

20 **A.** Yes, and "yo" is a general term to mean anybody.

21 **Q.** Anybody. Okay.

22 Thank you, sir.

23 **MS. WHALEN:** That's all the questions I have,
24 Your Honor.

25 **THE COURT:** All right. Anyone else?

~~MOORE - CROSS~~

1 Mr. Sardelli?

2 **MR. SARDELLI:** Your Honor, briefly. Thank you,
3 Your Honor.

4 CROSS-EXAMINATION

5 **BY MR. SARDELLI:**

6 **Q.** Good morning, Detective.

7 **A.** Good morning.

8 **Q.** Now, on that same call that you were just discussing, you
9 testified for a while yesterday that at the end, you discussed
10 a call in which the name "Dirt" came up.

11 Do you remember that?

12 **A.** Yes.

13 **Q.** Okay. And your testimony today and yesterday is that
14 Dirt, as far as your testimony is limited to, was simply
15 mentioned in a phone call; correct?

16 **A.** No, that's not correct.

17 **Q.** Okay. Your testimony yesterday is that it's from this
18 phone call; correct? "Dirt" came up in that phone call; am I
19 correct?

20 **A.** The name "Dirt" came up in that phone call, but that's not
21 the only time the name "Dirt" came up in my investigation.

22 **Q.** Okay. That's not what I asked you.

23 I asked you, yesterday, as part of your testimony, "Did
24 Dirt come up in this phone call?" Is that the limit of your
25 testimony yesterday?

~~MOORE - CROSS~~

1 **A.** It's in regard to yesterday, yes; but in regard to my
2 investigation, no.

3 **THE COURT:** Thank you. That's answered. Next.

4 **BY MR. SARDELLI:**

5 **Q.** Okay. And as part of it was -- again, this isn't your
6 transcript; correct? This is the U.S. --

7 **A.** It's not.

8 **Q.** -- Attorney's Office transcript.

9 Okay. As part of that, your testimony is that the unknown
10 female was asked to go ahead and find Dirt to see if she can
11 get 500 or a thousand to help him get an attorney; correct?

12 **A.** Yes.

13 **Q.** Okay. And you don't know what happened after that;
14 correct?

15 **A.** No, sir.

16 **MR. SARDELLI:** No further questions, Your Honor.

17 **THE COURT:** All right.

18 **MR. TRAINOR:** No questions.

19 **THE COURT:** Anyone else?

20 **MS. AMATO:** No. Thank you.

21 **MR. HAZLEHURST:** Nothing on behalf of Mr. Davis,
22 Your Honor.

23 **MR. DAVIS:** Nothing, Your Honor.

24 **THE COURT:** All right. Any redirect?

25 **MS. HOFFMAN:** Just very briefly.

~~MOORE - REDIRECT~~

REDIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Detective Moore, you were asked about a transcript of a jail visit between Dante Bailey and Dontray Johnson.

Do you remember that?

A. Yes.

Q. Did you review the transcript prior to coming in here today?

A. Yes, ma'am, I did.

Q. Did you also listen to the recording of the visit prior to coming in here today?

A. Yes, ma'am, I did.

Q. And was the transcript accurate?

A. Yes, ma'am.

Q. Did you, in fact, take your own notes of what you heard in the call prior to being given the transcript?

A. Yes. Prior to even meetin' you, I took my own notes and -- of the jail call and of the jail visit.

Q. And were your notes consistent with what was in the transcript?

A. Yes, ma'am.

MS. HOFFMAN: Thank you.

No further questions.

THE COURT: Anything else?

(No response.)

LOCKE, M.D. - DIRECT ON VOIR DIRE

1 **THE COURT:** All right. Thank you, sir. You're
2 excused.

3 **THE WITNESS:** All right. Thank you.
4 (Witness excused.)

5 **THE COURT:** All right. And will the Government be
6 calling another witness?

7 **MS. HOFFMAN:** Yes. The Government calls
8 Dr. James Laron Locke.

9 **THE CLERK:** Please raise your right hand.
10 JAMES LARON LOCKE, M.D., GOVERNMENT'S WITNESS, SWORN.

11 **THE CLERK:** Please be seated.
12 Please speak directly into the microphone.
13 State and spell your full name for the record, please.

14 **THE WITNESS:** James, J-A-M-E-S; Laron, L-A-R-O-N;
15 Locke, L-O-C-K-E.

16 **THE CLERK:** Thank you.

17 DIRECT EXAMINATION ON VOIR DIRE

18 **BY MS. HOFFMAN:**

19 **Q.** Good morning, Dr. Locke.

20 **A.** Good morning.

21 **Q.** Where do you work?

22 **A.** At the office of the Chief Medical Examiners.

23 **Q.** And what do you do at the Office of the Chief Medical
24 Examiners?

25 **A.** I'm an Assistant Medical Examiner.

~~LOCKE, M.D. - DIRECT ON VOIR DIRE~~

1 Q. What does an Assistant Medical Examiner do?

2 A. Well, essentially, my function is to investigate those
3 deaths that occur in the state of Maryland under the
4 jurisdiction of the State.

5 Primarily, we do that by doing an autopsy and determining
6 the cause and manner of death.

7 Q. How long have you been an Assistant Medical Examiner?

8 A. Since 1991.

9 Q. Is that about 28 years?

10 A. Yes.

11 Q. Did you go to medical school?

12 A. Yes, I did.

13 Q. Where did you go to medical school?

14 A. At Howard University in Washington, D.C.

15 Q. And did you complete a residency?

16 A. Yes, I did.

17 Q. Where did you complete your residency?

18 A. Temple University Hospital in Philadelphia, Pennsylvania.

19 Q. Can you tell us, what is pathology?

20 A. Pathology is the study of disease and how it affects the
21 body.

22 Q. And what is forensic pathology?

23 A. Forensic pathology is a subspecialty that attaches the
24 medical-legal significance of those diseases.

25 Q. And have you undergone training in forensic pathology?

LOCKE, M.D. - DIRECT

1 **A.** Yes, I have.

2 **Q.** In your time with the Office of the Chief Medical
3 Examiner, approximately how many autopsies have you conducted?

4 **A.** I performed and/or supervised probably close to 10,000.

5 **Q.** Have you ever been qualified as an expert in the field of
6 forensic pathology?

7 **A.** Yes, I have.

8 **Q.** And approximately how many times?

9 **A.** Probably a little shy of 500.

10 **MS. HOFFMAN:** At this time, Your Honor, I'd like to
11 offer Dr. Locke as an expert in forensic pathology.

12 **THE COURT:** All right.

13 **MR. ENZINNA:** No questions.

14 **THE COURT:** Any objections or voir dire?

15 (No response.)

16 **THE COURT:** All right. Based on the witness's
17 training, education, and experience, I will find him qualified
18 to give opinion testimony in the field of forensic pathology.

19 DIRECT EXAMINATION

20 **BY MS. HOFFMAN:**

21 **Q.** Dr. Locke, what's the purpose of an autopsy?

22 **A.** An autopsy -- well, what the word "autopsy" means is
23 "examination for self," and it allows us to examine the body
24 and determine what a person died from.

25 **Q.** And can you tell us what is involved in an autopsy. What

LOCKE, M.D. - DIRECT

1 are the procedures that you use?

2 **A.** Well, the autopsy pretty much is a series of examinations
3 on the body, both consisting of an external examination, where
4 we're looking to see if there's any natural disease on the body
5 or any injuries to the body.

6 We then perform an internal examination, which allows us
7 to take a look at the internal organs, the chest organs,
8 abdominal, pelvic, even the brain.

9 We then draw various specimens for toxicology purposes,
10 and that's where we're looking to see if there is any
11 substances in the body at the time of death.

12 **Q.** I want to direct your attention to November 23rd of 2012.
13 Did you conduct an autopsy of an individual named Antoine Ellis
14 on that day?

15 **A.** Yes, I did.

16 **Q.** And was there anyone else there with you?

17 **A.** Yes. The detective, I believe, on the case was
18 Detective Diaz.

19 **Q.** Was the autopsy generally consistent with the procedures
20 that you just outlined for us?

21 **A.** Yes.

22 **Q.** And did you write a report based on your findings?

23 **A.** Yes.

24 **Q.** And I'm going to approach and show you what's been marked
25 for identification as Government's Exhibit AUT-1. (Handing.)

LOCKE, M.D. - DIRECT

1 And is that a copy of your autopsy report?

2 **A.** Yes, it is.

3 **Q.** Were photographs taken during the course of the autopsy to
4 document what you found?

5 **A.** Yes.

6 **Q.** And in the course of your autopsy, did you find evidence
7 of injury to Mr. Ellis?

8 **A.** Yes, I did.

9 **Q.** And what type of injury was that?

10 **A.** Mr. Ellis had multiple gunshot wounds.

11 **Q.** And how many gunshot wounds did he have?

12 **A.** There were 13.

13 **Q.** Can you tell us, generally speaking, where on his body the
14 gunshot wounds were.

15 **A.** Generally, the gunshot wounds were to his head, to his
16 torso, to his arms, and to his right leg.

17 **Q.** I'm going to show you Government's Exhibit AUT-1-A?

18 **THE COURT:** This is a photograph, an autopsy
19 photograph?

20 **MS. HOFFMAN:** It is, Your Honor.

21 **BY MS. HOFFMAN:**

22 **Q.** Can you tell us what we're looking at here.

23 **A.** This is a photograph of Mr. Ellis. It's referred to in
24 our office as an identification photograph. It's just simply a
25 bust shot of the decedent.

LOCKE, M.D. - DIRECT

1 Q. And is this person Antoine Ellis?

2 A. Yes, it is.

3 Q. I'm going to show you Government's Exhibit AUT-1-G.

4 Can you tell us what we're looking at here.

5 A. In this photograph, we're looking at the left side of
6 Mr. Ellis' body, just below his armpit. And just to the right
7 of the number tag is an exit wound. This is labeled
8 Exit Wound K.

9 Q. And you mentioned that it's an exit wound. How are you
10 able to tell the difference between an entrance wound and an
11 exit wound?

12 A. Well, entrances and exits are different in their
13 appearance, as we'll see further on. Entrance wounds tend to
14 be more of a punched-out wound. When a bullet is fired, it's
15 rotating through the air just like a perfectly thrown football,
16 just rotates through the air.

17 As it contacts the skin, it rotates into the skin, causing
18 what we refer to as an abrasion collar around it. It also
19 takes a piece of the skin into the body, so it leaves a
20 punched-out defect.

21 Whereas, an exit wound is more of a tear. If we go back
22 to that perfectly thrown football, if something touches that
23 football, it begins to wobble. And that's what happens to a
24 bullet. A bullet, as soon as it hits something, it begins to
25 wobble. And it wobbles through the body until it exits from

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1 the body. And when it exits, it creates a tear rather than a
2 punched-out wound.

3 Q. And you mentioned that this is an exit wound here. And
4 were you able to tell what injuries this caused to Mr. Ellis'
5 body?

6 A. Yes. As I said, this is an exit wound.

7 The entrance wound is on the right side of his body. And
8 it entered causing injury to the right lung; the aorta, which
9 is a major blood vessel in the body. It's the largest artery
10 in the body. It then proceeded to go through the left lung and
11 then exit from the body in the photo as depicted.

12 Q. I'm going to show you Government's Exhibit AUT-1-J.

13 And can you tell us what we're looking at here.

14 A. In this photograph, we're looking at the back of the right
15 side of Mr. Ellis' head. And in this photograph, just to the
16 right of the number tag is an entrance wound. It's labeled
17 Entrance Wound J. This bullet entered into the scalp and skull
18 and caused injury to the brain.

19 Q. And finally, I'm going to show you Government's
20 Exhibit AUT-1-K.

21 And can you tell us what we're looking at here.

22 A. In this photograph, we're looking at the back of his body,
23 more the left side of his head.

24 But in this wound, you'll notice that there are two or
25 three injury patterns noted.

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1 To the left of the number tag and the head portion is an
2 entrance wound that's labeled in the report as
3 "Gunshot Wound I." This wound caused injury to the brain.

4 And if you take a look at his back, you'll see a series of
5 wounds there. There's actually two wounds there, but it
6 creates one defect.

7 We're looking at an exit of Gunshot Wound B. To the very
8 right of the photograph would be the exit.

9 So the bullet exited from that point and then grazed
10 across the skin. That rather long wound that you see there is
11 essentially a graze wound from that bullet that exited.

12 **Q.** Were there photographs of additional gunshot wounds that
13 we haven't looked at here?

14 **A.** Yes.

15 **Q.** Did you recover any evidence during the course of the
16 autopsy?

17 **A.** Yes, I did.

18 **Q.** And what did you recover?

19 **A.** We recovered -- well, six bullets and a fragmented bullet.
20 And we also covered -- recovered fingernail clippings and a
21 blood card.

22 **Q.** Was there any evidence that you saw of close-range firing?

23 **A.** No.

24 **Q.** Can you tell us what close-range firing means.

25 **A.** Sure. When a weapon is fired, besides the bullet that

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1 comes out of the end of the barrel, there are a number of other
2 substances to come out. You can have gunpowder that's both
3 burned and unburned gunpowder. You can have smoke or soot
4 coming out of the end of the barrel. You can have a flame
5 that's discharged. And you can also have gases that come out.

6 If the end of the barrel is within a certain distance,
7 some of those particles, some of those substances will actually
8 impact or lay on the skin, what's better known in layman's
9 terms as powder burns.

10 If the gunpowder comes out and it's within a certain
11 distance of the skin, it will actually impact the skin, causing
12 marks in the skin that we refer to as gunpowder stippling or
13 tattooing.

14 If the smoke or the soot comes out, it just -- essentially
15 is just soot. It kind of lays on the skin.

16 But in this instance, we didn't see that.

17 **Q.** And what is the distance within which you typically see
18 the stippling that you referred to?

19 **A.** Typically, it's within a 2-foot distance, 2-foot range.
20 Now, that varies. It depends on the type of weapon being used,
21 the type of ammunition used in the weapon, to even the type of
22 gunpowder used in the ammunition. So it can vary. But
23 generally speaking, around 2 feet.

24 **Q.** Have you formed an opinion as to the cause of Mr. Ellis'
25 death?

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1 **A.** Yes.

2 **Q.** And what was it?

3 **A.** That Mr. Ellis died from multiple gunshot wounds.

4 **Q.** And have you formed an opinion as to the manner of his
5 death?

6 **A.** Yes.

7 **Q.** And what was it?

8 **A.** Homicide.

9 **Q.** I want to direct your attention now to September 30th of
10 2015.

11 Did you conduct an autopsy of an individual named
12 Brian Johnson on that day?

13 **A.** Yes.

14 **Q.** And was the Homicide detective there for that autopsy?

15 **A.** Yes.

16 **Q.** Was the autopsy generally consistent with the procedures
17 that you outlined for us a minute ago?

18 **A.** Yes, it was.

19 **Q.** And did you write a report based on your findings?

20 **A.** Yes.

21 **Q.** I'd like to approach and show you Government's
22 Exhibit AUT-3 for identification only. (Handing.)

23 And is that a copy of your autopsy report for
24 Brian Johnson?

25 **A.** Yes, it is.

1 Q. In the course of your autopsy, did you find evidence of
2 injury to Mr. Johnson?

3 A. Yes.

4 Q. And what type of injury?

5 A. Mr. Johnson had a gunshot wound to his torso.

6 Q. And can you tell us where, more specifically, the
7 gunshot wound was and its path of travel.

8 A. The gunshot wound was located on the left side of his
9 chest, essentially just below his nipple.

10 It entered at that point. It caused injury to the
11 stomach, diaphragm, the left kidney, the pancreas, and crossed
12 over to the right side of his body before exiting the right
13 side of his back.

14 Q. Were photographs taken during the autopsy to document
15 Mr. Johnson's injuries?

16 A. Yes.

17 Q. I'm going to show you first Government's Exhibit AUT-3-A.
18 And can you tell us what we're looking at here.

19 A. Similar to the other case, this is our identification
20 photograph of Mr. Johnson. Again, just essentially a bust
21 shot.

22 Q. I'm going to show you Government's Exhibit AUT-3-B.

23 And, for the record, could you describe the tattoo that's
24 on Mr. Johnson's upper left shoulder.

25 A. The tattoo appears to be that of a -- maybe the globe with

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1 the letter M within.

2 Q. I'm going to show you Government's Exhibit AUT-3-C.

3 And can you tell us what we're looking at here.

4 A. In this photograph we're looking at a number of things
5 here. To the very right of the photograph, just for
6 orientation purposes, would be his nipple, the left nipple.

7 Just to the -- just above the number tag or to the right
8 of the number tag, you'll see an incision on the body. This
9 was done in the hospital for what they refer to as a
10 thoracotomy for life-saving measures, so that was created in
11 the hospital.

12 But in between the thoracotomy and the number tag, you'll
13 see an entrance wound. That is the entrance wound that
14 proceeded to go through his body.

15 Q. And I'm going to show you Government's Exhibit AUT-3-D.

16 And what are we looking at here?

17 A. In this photograph we're looking at the right side of
18 Mr. Johnson's back. Again, just for orientation, to the very
19 left of the photograph would be his buttocks, just for
20 orientation.

21 But just to the left of the number tag would be the exit
22 wound.

23 Q. And was this a through-and-through gunshot wound?

24 A. Yes, it was.

25 Q. Did you recover any evidence during this autopsy?

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1 A. During this autopsy, we recovered the fingernail clippings
2 and we also recovered an old bullet.

3 Q. And how were you able to tell it was an old bullet?

4 A. When bullets remain in the body, they lose their sheen,
5 essentially. They become what we call oxidized. They turn --
6 typically turn black or turn very gray in color.

7 There was also fibrous or scar tissue noted around that
8 bullet.

9 It was also recovered from a small pocket of tissue in the
10 body that was essentially filled with pus. So it had been
11 there and essentially some infection had begun around that
12 bullet, creating that pus pocket.

13 Q. Did you detect any evidence of close-range firing with
14 respect to this gunshot wound?

15 A. No, I did not.

16 Q. Did you form an opinion as to Mr. Johnson's cause of
17 death?

18 A. Yes.

19 Q. And what was it?

20 A. That Mr. Johnson died from a gunshot wound of his torso.

21 Q. And did you form an opinion as to the manner of his death?

22 A. Yes.

23 Q. And what was it?

24 A. Homicide.

25 MS. HOFFMAN: I have no further questions.

1 **THE COURT:** Thank you.

2 Any questions?

3 **MR. ENZINNA:** No questions, Your Honor.

4 **MR. TRAINOR:** No questions.

5 **THE COURT:** All right. Doesn't appear to be any
6 questions.

7 Thank you very much, Doctor. You are excused.

8 (Witness excused.)

9 **THE COURT:** All right. Does the Government have
10 another witness?

11 **MS. PERRY:** Yes, Your Honor. At this point the
12 Government would call Special Agent Don Rudy.

13 But may we approach briefly?

14 **THE COURT:** Sure.

15 (Bench conference on the record:

16 **MS. PERRY:** My apologies for not addressing it
17 earlier.

18 I do intend to show Special Agent Rudy a number of
19 excerpts from cell phones which he, I believe, will testify are
20 accurate excerpts.

21 Mr. Davis, on behalf of Mr. Frazier, has noted an
22 objection to one particular text message based on -- my
23 apologies -- one particular text message. His objection is to
24 one particular text . . .

25 He's objected to one text message which he suggests

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1 has some racial overtones. I think that we agree that it can
2 be redacted. We haven't discussed the redaction with him. I
3 don't intend to publish any of them with this particular
4 witness. So I just wanted to flag for Your Honor that I intend
5 to show them to him and ask him to authenticate them; but I
6 won't publish them, subject to his objection.

7 **MR. DAVIS:** That's fine.

8 **THE COURT:** Thank you.

9 **MS. PERRY:** Thank you.)

10 (Bench conference concluded.)

11 **THE COURT:** All right. We can have the witness come
12 up.

13 **THE CLERK:** Please raise your right hand.

14 SPECIAL AGENT DONALD RUDY, GOVERNMENT'S WITNESS, SWORN.

15 **THE CLERK:** Please be seated.

16 Please speak directly into the microphone. State and
17 spell your full name for the record, please.

18 **THE WITNESS:** Donald Rudy; last name, R-U-D-Y.

19 **THE CLERK:** Spell your first name, please.

20 **THE WITNESS:** D-O-N-A-L-D.

21 **THE CLERK:** Thank you.

22 DIRECT EXAMINATION ON VOIR DIRE

23 **BY MS. PERRY:**

24 **Q.** Good morning.

25 **A.** Good morning.

~~RUDY - DIRECT ON VOIR DIRE~~

1 Q. Where do you work?

2 A. I'm employed with the Bureau of Alcohol, Tobacco,
3 Firearms & Explosives, known as ATF.

4 Q. And what is your title with ATF?

5 A. I am a senior Special Agent.

6 Q. How long have you worked for the ATF?

7 A. Since 1999.

8 Q. Do you have any specialized duties in your role as an ATF
9 Special Agent?

10 A. Yes. Currently, I'm assigned to the ATF's digital
11 forensics branch where I'm employed or assigned as a digital
12 forensic examiner.

13 Q. How long have you been a digital forensic examiner?

14 A. I've been a -- as a full-time position for approximately
15 the past three and a half years and prior to that in a
16 collateral duty function since 2008.

17 Q. What are your duties and responsibilities as a digital
18 forensic examiner?

19 A. My primary function is as a regional coordinator. I
20 coordinate the digital forensic activities with our program
21 personnel located in various divisions in my region.

22 Q. Do you have any specialized training in being a digital
23 forensic examiner?

24 A. Yes. I've received numerous courses and classes as it
25 relates to computers, computer hard -- computer hardware, other

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1 types of computer devices; how to forensically extract or
2 acquire data from those types of devices and conduct the
3 following examination and present those findings back to a
4 investigating reviewer; as well as mobile devices, how mobile
5 devices are basically configured, the components of a mobile
6 device, how those mobile devices interact to store data and
7 work within a cellular network; and also how to extract those
8 devices and present reports of findings to -- back to the
9 requesting investigator.

10 **THE COURT:** And can you just back up from the mic a
11 little bit.

12 Thank you.

13 **BY MS. PERRY:**

14 **Q.** As a digital forensic examiner, are you asked to perform
15 examinations of digital media, such as cell phones?

16 **A.** Yes.

17 **Q.** Are you also asked to oversee examinations of cell phones?

18 **A.** Yes.

19 **Q.** What process do you use to analyze a cellular telephone?

20 **A.** There's different methods that can be employed.

21 Primarily, we use a product from a vendor known as Cellebrite,
22 and that's a mobile extraction platform that's used to extract
23 data from various mobile devices.

24 **Q.** Are there advanced techniques that you sometimes use?

25 **A.** There are.

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1 Q. Have you received any training in using the Cellebrite
2 software?

3 A. Yes.

4 Q. What kinds of data, generally speaking, are able to be
5 extracted from cellular telephones, using the processes you
6 just described?

7 A. Sure. The typical data types are call logs; contacts; SMS
8 or MMS messages; data files, such as pictures or videos, audio.
9 Sometimes application data can be obtained as well as e-mail
10 and browsing history, things of that nature.

11 Q. During your time as a digital forensic examiner with the
12 ATF, approximately how many examinations of cell phones would
13 you say you've conducted?

14 A. Hundreds.

15 Q. Have you testified before in the field of forensic
16 examinations of digital media?

17 A. Yes.

18 MS. PERRY: Your Honor, at this point I would offer
19 Special Agent Rudy as an expert in the examination of digital
20 media and cell phones.

21 THE COURT: Examination of digital media and
22 cell phones.

23 Any questions? voir dire? objections?

24 (No response.)

25 THE COURT: All right. Based on the witness's

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1 training and experience, I will find him qualified to give
2 opinion testimony in the field of examination of digital
3 evidence, including cell phones.

4 DIRECT EXAMINATION

5 **BY MS. PERRY:**

6 **Q.** Agent Rudy, did there come a time when you were asked by
7 ATF and the U.S. Attorney's Office to assist in the extraction
8 and review of extractions conducted on several cell phones
9 recovered in connection with an ongoing investigation?

10 **A.** Yes.

11 **Q.** So I want to approach and show you for identification only
12 at this point Government's Exhibits CELL-1, CELL-2, CELL-3,
13 CELL-4, CELL-5, CELL-7, CELL-8, CELL-9, CELL-11, CELL-12,
14 CELL-14, CELL-15, and CELL-16.

15 (Hanging.)

16 First of all, can you tell us just generally what the
17 exhibits are that are in front of you.

18 **A.** These are numerous cell phones.

19 **Q.** And have you had an opportunity to look at these exhibits
20 before coming to court today?

21 **A.** Yes.

22 **Q.** I'm also going to approach and show you an exhibit which
23 is marked at this point for identification only as CELL-13
24 (hanging).

25 Can you tell us what the exhibit in front of you is, just

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1 generally.

2 **A.** Yes. This is an ATF Form 3400.23, and it's a receipt for
3 property or other items used to document either receiving an
4 item from somebody or returning an item to somebody.

5 **Q.** And does that document -- CELL-13 document that an
6 Apple iPhone was taken by AT -- taken from an individual named
7 Tiffany Bailey by ATF? And does it appear at the bottom that
8 there's a signature showing that it was returned?

9 **A.** Yeah. This receipt does not specifically say the item
10 number. But it does show that an item, an Apple iPhone model
11 A1688, was taken from a Tiffany Bailey and then receipt back to
12 Tiffany Bailey.

13 **Q.** Now, Agent Rudy, with respect to the request for
14 assistance we were discussing, were you provided with
15 certifications from individuals who conducted examinations of
16 these phones?

17 **A.** Yes.

18 **Q.** In addition to the certifications, what else did you
19 receive?

20 **A.** I received copies of the Cellebrite extraction reports,
21 which is a report of the extracted data from the cell phones,
22 as well as other documentation that they provided that was
23 prepared in conjunction with their extraction of the phones.

24 **Q.** And I know you just gave us a short definition, but can
25 you explain what an extraction report is.

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1 **A.** Yeah. An extraction report is basically a report of the
2 data that Cellebrite or whatever product was able to extract
3 out of the phone. And it will report those data types that it
4 was able to pull out of the phone and decode and parse and
5 present.

6 **Q.** How is the extraction report developed?

7 **A.** The extraction report is developed -- first, you have to
8 have the extraction. So the -- whatever method is employed by
9 the examiner to extract the data -- primarily it's going to be
10 the Cellebrite platform -- is used to connect to the mobile
11 device or the cell phone; and then the Cellebrite program is
12 going to then communicate with the mobile device.

13 And a lot of this communication will depend -- be
14 dependent upon the make and model of the phone, the operating
15 system type, the operating system version. Are there certain
16 security features that are enabled? As well as a lot of other
17 variables on the phone.

18 We'll make a determination whether, A, first, the
19 Cellebrite program can even extract data from that phone; and,
20 B, if it can extract data from that particular device, what
21 types of extractions can it get and what types of data can it
22 get? So all of that will be very dependent upon a lot of the
23 variables of the physical phone itself.

24 Once Cellebrite has recovered or extracted the data out of
25 the phone that it's able to using built-in communication

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1 channels and other sorts of programming interfaces that
2 Cellebrite uses within the phone to communicate to the phone
3 and read out the data that it can, that extracted data is
4 loaded into the Cellebrite program. And that program is then
5 used to generate a report of that data that it extracted out.

6 **Q.** Agent, based on the certifications you received, the
7 reports you received, the full extraction reports, and other
8 information from investigators and your own review, were you
9 able to determine whether data was able to be extracted from
10 the devices sitting in front of you?

11 **A.** Yes.

12 **Q.** Now, what did you do with the certifications and
13 extraction reports?

14 **A.** Well, I looked through the certifications and the
15 extraction reports, as well as any prepared laboratory reports
16 that were done with the -- in conjunction with the extraction.

17 And I compared the extraction report identifiers.
18 Cellebrite can -- when it extracts phones, it can also populate
19 the device identifiers that it can see, what the make of the
20 phone is, what the model of the phone is, what the serial
21 number of the phone is, what the unique equipment identifiers
22 are, and some other identifiers of the device.

23 Any identifiers that it can possibly pull out, it will.
24 And it will populate in the extraction report. And there's
25 also a field there where the examiner can key in additional

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1 information such as the case number, the item number that
2 they're working on, and so forth, some other administrative
3 information.

4 So I was able to look at all of that in totality and
5 compare that with the lab reports and the 902 statements and
6 other documentation prepared by the examiner to connect the
7 examination report back to the device that it is associated
8 with.

9 Q. Now, I want to turn, first, to Government's Exhibit, which
10 is only in for identification at this point, CELL-1.

11 Was a summary compiled containing some of the information
12 from the full extraction report?

13 A. Yes.

14 Q. And was all of the information from the full extraction
15 report contained in this summary?

16 A. No.

17 Q. I want to show you -- I'd like to approach and show you
18 Government's Exhibit CELL-1-A, 1-B -- CELL-A -- CELL-1-A,
19 CELL-1-B-1, CELL-1-B-2, and CELL-1-B-3.

20 (Hanging.)

21 Do you recognize the exhibit in front of you?

22 A. Yes.

23 Q. And is this the summary of the full extraction report for
24 CELL-1 that we just discussed?

25 A. It is. With some variations, meaning there's some header

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1 information here that was placed to identify which phone it
2 came from. It's not from the Cellebrite report. And the
3 formatting is different with this excerpt than the formatting
4 of the Cellebrite report, but the data within those fields is
5 consistent with the data that was from the Cellebrite report.

6 **Q.** So did you have a chance to review this summary before
7 coming to court?

8 **A.** Yes.

9 **Q.** And other than the headers that you just described, is all
10 of the data and information contained in this summary an
11 accurate excerpt of what was contained in the full report?

12 **A.** Yes.

13 **Q.** And, therefore, based on your review, is it an accurate
14 summary of what was contained on the device, Government's
15 Exhibit CELL-1 for identification?

16 **A.** Yes. From the device information, that was able to be
17 pulled out.

18 **Q.** So now I want to turn to the other cell phones that were
19 in front of you. This is Government's Exhibits, for
20 identification only at this point, CELL-2, CELL-3, CELL-4,
21 CELL-5, CELL-7, CELL-8, CELL-9, CELL-11, CELL-12, CELL-14,
22 CELL-15, and CELL -- CELL-14 and CELL-15. And I'm going to
23 approach and show you exhibits related to those devices
24 (handing).

25 The exhibits I've just handed you are

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1 Government's Exhibits CELL-2-A, CELL-3-A, CELL-4-A, CELL-5-A
2 and B, CELL-7-A, CELL-8-A, CELL-9-A, CELL-11-A, CELL-12-A,
3 CELL-13-A, CELL-14-A, and CELL-15-A.

4 Do you recognize all of these? And have you had a chance
5 to review them before coming to court?

6 A. One moment.

7 Q. Take your time.

8 A. Yes.

9 Q. Are these additional summaries similar to the one we've
10 just discussed in CELL-1-A?

11 A. Yes.

12 Q. And are -- did you review all of these before coming to
13 court today?

14 A. Yes.

15 Q. And did you compare what is contained in the exhibits in
16 front of you to the full extraction reports?

17 A. Yes.

18 Q. And, again, are these just excerpts from the full reports?

19 A. Yes, these are excerpts. Again, the formatting is a
20 little different for the presentation of the data, and some of
21 the column titles will be named a little differently. But,
22 yes, the data within the excerpt list is consistent with the
23 data that I saw in the Cellebrite recovery report.

24 Q. And, finally, I'm going to approach and show you
25 Government's Exhibit CELL-16-A.

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1 (Handing.)

2 Do you recognize this?

3 A. Yes.

4 Q. And did you have a chance to review this exhibit before
5 coming to court today?

6 A. Yes.

7 Q. And is this a summary of what's contained within the full
8 extraction report related to this particular phone?

9 A. The first few sections, yes.

10 Q. Is there actually -- so I apologize. I'm actually showing
11 you CELL-16-A for identification only at this point -- the
12 Exhibit CELL-16-A for identification only.

13 So is there a section in there that's labeled "Hand
14 Search"?

15 A. Yes.

16 Q. Everything other than that section labeled "Hand Search,"
17 did you compare that to the full extraction report?

18 A. Yes.

19 Q. And is everything contained in that exhibit that you
20 reviewed an accurate summary of what's contained in the full
21 extraction report?

22 A. Yes.

23 Q. Now, Agent Rudy, why might something show up in a hand
24 search but not in a full extraction report?

25 A. That's fairly typical. Again, as I said earlier, a lot of

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1 what the extraction programs can pull out of a phone are
2 heavily dependent upon a lot of those variables I discussed
3 earlier: The make, the model, operating system type, operating
4 system version, security features that are enabled,
5 user-configured -- user settings that the user has configured.
6 A lot of those will impact whether the extraction program can
7 see a particular data type or if it can see all of a particular
8 data type.

9 So sometimes it will recover data that you, the user,
10 can't see on the phone because it's deleted data, but
11 Cellebrite can still recover that. And there's some data that
12 you can still see on the phone that Cellebrite just cannot
13 recover out of that just based upon how it's stored on the
14 system and the communication channels that Cellebrite is using.
15 So that's not uncommon.

16 **Q.** I just want to talk sort of generally about some of the
17 things that are contained in those exhibits in front of you.

18 First, can you explain just what an SMS message is.

19 **A.** SMS, short message service message, that's a standard
20 texting application that's built into a lot of the carrier
21 networks. You can use your phone to send SMS messages to
22 another device.

23 **Q.** What is an MMS?

24 **A.** An MMS, multimedia service, that's -- normally your
25 texting message will convert from SMS to MMS if you want to

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1 send a message to more than one person. So as soon as you want
2 to send it to two people or more, then it normally converts
3 over to an MMS.

4 Also, if you want to attach a picture to your SMS message,
5 once you attach a file, then it usually converts over to an MMS
6 message.

7 **Q.** Can you explain how a call log might have an associated
8 name.

9 **A.** Sure. A lot of times we have -- we develop in our phones
10 contact -- we have our contact list or some sort of a contact
11 section of our phone. And we will enter in individuals' names
12 and associate a phone number to that individual's name on our
13 phone so that when that phone number rings our phone or when
14 that phone number calls our phone or contacts our phone, it
15 usually will then display the associated contact name.

16 So Cellebrite, when they will pull the recovery or the
17 extraction of the call logs and they also will recover/extract
18 out the contact list as well, in Cellebrite's report, they can
19 then match or associate in their call log field not just the
20 call -- the phone number that's in that call log entry; but
21 also if there is an associated contact in your stored contacts,
22 the Cellebrite report program will associate that as well
23 there.

24 **Q.** And, finally, what is a web search?

25 **A.** A web search is when the user will use their cell phone to

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1 use a built-in browser or a browser that they've placed on
2 their phone and travel the Internet and enter in search terms
3 to their -- with their phone's browser. I think most of us
4 have seen browsers on our phones where we can -- there's a
5 field that you can enter in some term that you want to look
6 for, and your phone will go to that area.

7 **Q.** Now, finally, Agent Rudy, were the extraction reports that
8 you reviewed in this case lengthy?

9 **A.** Yes.

10 **Q.** And were the summaries that you reviewed just selected
11 excerpts?

12 **A.** Yes.

13 **Q.** And to be clear, did you select the excerpts or did you
14 just check excerpts that were provided to you?

15 **A.** I just was provided excerpts, and I was asked to just
16 verify that what was in the excerpts I could find in the full
17 recovery report.

18 **MS. PERRY:** Court's indulgence.

19 Nothing further.

20 Thank you.

21 **THE COURT:** Thank you.

22 Questions?

23 **MR. ENZINNA:** Just a few, Your Honor.

24 **THE COURT:** Sure.

~~RUDY - CROSS~~

CROSS-EXAMINATION

BY MR. ENZINNA:

Q. Agent Rudy, good morning.

A. Good morning, sir.

Q. I just have a couple of questions I'd like to ask you.

Let's start where you left off in terms of the excerpts of these reports.

Who did prepare the excerpts?

A. Those were provided to me from the U.S. Attorney's Office.

Q. Okay. So they -- so, for example, if there's a call -- a call log that has a thousand calls in it, you might have been given an excerpt that showed 15 of those calls or --

A. They had a select number, yes.

Q. Some number of calls. Okay.

Now, a cell phone, when it's -- when a cell phone is on, it is constantly receiving and transmitting information; correct?

A. Cell phone is trying to always stay in contact with the carrier's network.

Q. Right. So it's constantly pinging cell phone towers?

A. It is -- yes, it's pinging towers, trying to -- so that the carrier's network knows where that phone is at so that if it needs to access that phone; i.e., send a call to you or receive a call, it knows where you're at.

Q. And it's constantly receiving information, too; correct?

~~RUDY - CROSS~~

1 **MS. PERRY:** Objection, Your Honor.

2 **THE COURT:** Overruled.

3 If he knows.

4 **THE WITNESS:** I'm not sure if it's always receiving
5 information. There is such a variety of makes and models of
6 phones out there, and each carrier network is different in
7 terms of how it is structured and how it communicates with the
8 phone. So I don't know if it's a constant communication or if
9 it's a periodic communication back and forth.

10 **BY MR. ENZINNA:**

11 **Q.** Okay. So when you say "a periodic communication," so, for
12 example, if someone sends me a text message, it may hit -- may
13 show up on my phone immediately? Or -- I'm sorry.

14 **A.** Yes, you could receive it, you know, virtually --
15 virtually instantaneously; but it still needs to navigate,
16 usually through the carrier's networks first before it gets to
17 your end.

18 **Q.** And it may also be that if my cell phone is turned off,
19 when I turn it on, I may get a bunch of stacked-up messages;
20 right?

21 **A.** That's correct.

22 **Q.** So the phones that you testified about were all seized
23 from different people; correct?

24 **A.** That's my understanding.

25 **Q.** Okay. What steps were taken to sort of freeze the phones

~~RUDY - CROSS~~

1 in the condition they were in when they were seized?

2 **A.** I can speak, most of these phones -- or I can say that I
3 did not personally extract any of these phones. Now, some of
4 these phones I was part of a team that was -- had team members
5 that did perform the extraction of these devices. Some of
6 these phones I had no personal interaction with in terms of
7 during the extraction process.

8 But typically, you will want to remove the phone from the
9 network. You want to isolate the phone from the network prior
10 to doing any kind of extraction process.

11 **Q.** So you could do that by removing the SIM card?

12 **A.** You could do it by removing the SIM card. You could place
13 the phone in airplane mode. You could use other sorts of
14 devices to try to surround the phone with some sort of
15 frequency-jamming material that will not allow the cellular
16 traffic to occur.

17 **Q.** Okay. But you don't know when or if that was done with
18 regard to any of these phones; correct?

19 **A.** I know that some of these phones where I oversaw the
20 person who was leading that effort was ensuring that those
21 phones were removed from the network prior to extraction.

22 The other phones, I don't know.

23 **Q.** Okay. Now, you talked a minute ago about information the
24 user can't see. Can you explain that.

25 **A.** Yeah. When you -- when you store a file -- a picture, any

~~RUDY - CROSS~~

1 kind of data that you want to store on your phone -- the
2 operating system can see that. So when you look at your phone
3 and you want to see the pictures that are on your phone, you go
4 to your picture folder, wherever that location is at; and then
5 you can see all the pictures that are stored on your phone.

6 When a user deletes that information, the user no longer
7 sees it on their phone. So as far as the user is concerned,
8 it's gone.

9 But that information still resides on the phone for a
10 period of time as a deleted file. So it's possible that
11 deleted information can still be recovered from a phone; and so
12 you can't see it on the phone anymore, but it can still be
13 recovered.

14 **Q.** And does the extraction report tell you if a piece of data
15 had been deleted by the user?

16 **A.** Sometimes the extraction report will be able to say with a
17 field: This is a deleted item.

18 Now, who deleted it, it won't be able to say who deleted
19 it. It will just say: We found this as a deleted item.

20 **Q.** Okay. But not always?

21 **A.** But not always.

22 **Q.** Okay. Now, the other thing -- the cell phones contain a
23 clock; right?

24 **A.** They do.

25 **Q.** And they stamp information, right, with a time?

~~RUDY - CROSS~~

1 **A.** Correct.

2 **Q.** Like when you receive a text message or a call, it will
3 have a time associated with it.

4 **A.** Correct.

5 **Q.** What steps do you take to verify that the timing -- the
6 clocks in these cell phones are correct?

7 **A.** What we normally do with our personnel is once that phone
8 is extracted, we'll do what's called a hand verification. And
9 this is something we've done where we'll look at the extraction
10 report, and we'll then select a few data items on the physical
11 phone itself.

12 I usually select a couple of call logs, and I'll select a
13 couple of SMS messages. And then I'll go through the call logs
14 from the extraction report: From, to, date and time, phone
15 number. And I'll look at the phone and make sure that it's
16 consistent. And I'll do the same for a few SMS. Different
17 folks use different data types. But that's what we, as a
18 procedure, do.

19 **Q.** So you're verifying that the extraction report shows
20 accurately the time that the phone says?

21 **A.** Well, sometimes -- what the phone -- what the recovered
22 data shows, either call logs or SMS.

23 What the phone physically shows at the time of extraction
24 may be completely different than the current date and time.

25 **Q.** I see. Okay.

~~RUDY - CROSS~~

1 Just one last question.

2 You talked about a number of phones. I think you talked
3 about CELL-1 through 5, 7 through 9, 11, 12, 13, 14, 15, and
4 16.

5 Was there a cell phone 6?

6 **A.** I'm not sure. I was just asked to speak about the phones
7 that I was asked to speak about.

8 **MR. ENZINNA:** Okay. No further questions, Your Honor.

9 **THE COURT:** All right. Thank you.

10 Anyone else?

11 (No response.)

12 **THE COURT:** Any redirect?

13 **MS. PERRY:** No, Your Honor. Thank you.

14 **THE COURT:** Okay. Thank you very much, sir. You are
15 excused.

16 (Witness excused.)

17 **THE COURT:** Can I see counsel briefly on the schedule.

18 (Bench conference on the record:

19 **THE COURT:** I'm just remembering two additional
20 witnesses that you mentioned yesterday, Detectives Fisher and
21 Corbin, I think. So I'm assuming they're up next, but I wasn't
22 clear if they would go the whole day.

23 **MS. HOFFMAN:** So Detective Fisher will be next, and he
24 is a somewhat lengthy witness. He is a somewhat lengthy
25 witness.

1 **THE COURT:** Okay.

2 **MS. HOFFMAN:** And then Officer Corbin is a much
3 shorter witness, so we are hopeful that we will be taken
4 through the end, to 5 o'clock. It's possible we might be a
5 little bit short.

6 **MR. SARDELLI:** I'm sorry, Your Honor, I can't hear.

7 **THE COURT:** I understood there are the two witnesses,
8 Fisher and Corbin, were going to fill the day. She thinks they
9 probably will, might be a little short. If it begins to look
10 like a lot short, I'm just going to ask you to try to identify
11 someone else and tell counsel.

12 **MR. SARDELLI:** Yes, ma'am.

13 **THE COURT:** Okay.

14 **MS. HOFFMAN:** Thanks.)

15 (Bench conference concluded.)

16 **THE COURT:** All right. We're going to take the
17 mid-morning recess, and then the Government will be calling
18 another witness.

19 So I'll start by excusing the jury.

20 (Jury left the courtroom at 11:32 a.m.)

21 **THE COURT:** All right. I'll excuse the gallery.

22 (Pause.)

23 **THE COURT:** Continue to excuse the gallery.

24 All right. We'll take our recess.

25 (Recess taken.)

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THE COURT: All right. We can bring back the jury.
If you want to go ahead and get the witness.

MS. HOFFMAN: Sure. The Government calls Mark Fisher.

MR. TRAINOR: We're missing Ms. Amato.

THE COURT: Oh. So we are. Never mind.

MR. ENZINNA: I'll look.

THE COURT: Don't go too far looking. We don't want
to lose you.

(Jury entered the courtroom at 11:51 a.m.)

(Pause.)

THE COURT: I think now we're ready to call the next
witness.

MS. HOFFMAN: The Government calls Mark Fisher.

THE CLERK: Please raise your right hand.

DETECTIVE MARK FISHER, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated. Please speak directly
into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Detective Mark C. Fisher. M-A-R-K,
middle initial C, last name Fisher, F-I-S-H-E-R.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Good morning, Detective Fisher.

A. Good morning.

~~FISHER - DIRECT~~

1 Q. With which law enforcement agency are you employed?

2 A. The Baltimore County Police Department.

3 Q. And can you tell us your unit and title there.

4 A. Currently assigned as a detective to the Homicide Unit.

5 Q. How long have you been with the Baltimore County Police
6 Department?

7 A. 12 years now.

8 Q. And as of fall 2014 and summer of 2015, what unit were you
9 in?

10 A. I was working in the narcotics section.

11 Q. And how long were you in the narcotics section?

12 A. Approximately five years.

13 Q. Do you have experience making arrests for violations of
14 drug-trafficking laws?

15 A. Yes. Over the course of my time patrolling narcotics,
16 made several hundred arrests for drug trafficking, drug use.

17 Q. Have you seized drugs in the course of arrests and
18 search warrants?

19 A. Yes, I have.

20 Q. What kinds of drugs have you seized?

21 MS. WHALEN: Objection; relevance, Your Honor.

22 THE COURT: Overruled.

23 THE WITNESS: Cocaine, heroin, opiate pills,
24 marijuana, methamphetamine, MDMA.

25 BY MS. HOFFMAN:

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1 Q. And have you become familiar with how those drugs appear?

2 A. I have, yes.

3 Q. Now, focusing on fall of 2014 and summer of 2015, were you
4 involved in an investigation into a drug-trafficking
5 organization operating in the area of Windsor Mill Road and
6 Forest Park?

7 A. Yes. Over the course of 2014 and '15, we had identified
8 that intersection, the gas station, and the surrounding
9 neighborhoods as pretty much an open-air drug market for the
10 distribution of heroin and cocaine.

11 We had been arresting drug buyers coming from that area
12 from different states and different counties, compiling phone
13 numbers of the dealers they were buying from, and just
14 gathering intel on that organization.

15 Q. Did the investigation ultimately involve a
16 Court-authorized wiretap of certain cell phones?

17 A. Yes, it did.

18 Q. I'm going to show you Government's Exhibit IND-81.

19 Do you recognize that individual?

20 A. Yes, that's Adrian Spence.

21 Q. And did you intercept cell phones belonging to
22 Adrian Spence during the wiretap investigation?

23 A. Yes.

24 Q. And approximately when were those wiretaps conducted?

25 A. It was June and July of 2015.

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1 Q. And were you one of the monitors on that wiretap
2 investigation?

3 A. That's correct. I was.

4 Q. Were other subjects of the investigation intercepted in
5 wire calls with Spence over those cell phones?

6 A. Yes, we did intercept other subjects.

7 Q. And can you tell us -- can you name some of the other
8 subjects of your investigation who were intercepted over
9 Spence's cell phone.

10 A. Sure. We had intercepted Dante Bailey, Jamal Lockley,
11 Jarmal Harrid, Jamal Smith, Tiffany Bailey. Those are just to
12 name a few.

13 Q. And do you see Dante -- you mentioned Dante Bailey. Do
14 you see him sitting in the courtroom today?

15 A. I do, yes.

16 Q. And can you point him out for the record or identify an
17 article of clothing.

18 A. Sure. He's in the white shirt behind the podium here.

19 Q. I'm showing you Government's Exhibit IND-60.

20 And do you recognize that person there?

21 A. Yes. That's Jamal Lockley.

22 Q. And was he intercepted in calls over the -- over
23 Adrian Spence's cell phones?

24 A. Yes.

25 Q. And actually going back a second, did you identify any

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1 nicknames for Dante Bailey during the course of your
2 investigation?

3 A. Gutta.

4 Q. And what about for Jamal Lockley; did you identify any
5 nicknames?

6 A. T-Roy.

7 Q. I'm showing you Government's Exhibit IND-43.

8 Who are we looking at here?

9 A. That is Jarmal Harrid.

10 Q. And I believe you mentioned he was one of the people who
11 was intercepted as well?

12 A. Correct.

13 Q. And I'm showing you Government's Exhibit IND-80.

14 Can you tell us who we're looking at there.

15 A. That is Jamal Smith.

16 Q. And was he intercepted in phone conversations as well?

17 A. Yes.

18 Q. I'm showing you Government's Exhibit IND-53.

19 Can you tell us who we're looking at there.

20 A. That is Dontray Johnson.

21 Q. Did you identify any nicknames for him?

22 A. Bino.

23 Q. And was he intercepted in calls over that wiretap?

24 A. Yes.

25 Q. And I think I forgot to ask you: Did you identify any

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1 nicknames for Jamal Smith?

2 **A.** Mal, they called him.

3 **Q.** I'm showing you Government's Exhibit IND-55.

4 Do you recognize that person?

5 **A.** William Jones.

6 **Q.** And was he intercepted in calls during your wiretap
7 investigation?

8 **A.** Yes.

9 **Q.** I'm showing you Government's Exhibit IND-88.

10 Do you recognize that person?

11 **A.** I do. That is Takuma Tate.

12 **Q.** Did you identify any nicknames for him?

13 **A.** They called him Oop.

14 **Q.** And was he intercepted in any calls?

15 **A.** He was, yes.

16 **Q.** And, finally, Government's Exhibit IND-5.

17 Do you recognize that person?

18 **A.** That is Tiffany Bailey.

19 **Q.** And was she intercepted in calls?

20 **A.** She was.

21 **Q.** I want to direct your attention to October 9th of 2014 at
22 about 10:30 in the morning.

23 Were you working and on duty at that time?

24 **A.** I was, yes.

25 **Q.** And what were you doing?

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1 **A.** I was conducting surveillance in that area of
2 North Forest Park and Windsor Mill Road. We were looking -- we
3 were out that day looking for drug buyers.

4 I observed a red Nissan with a white male and a white
5 female in it exiting the lot of the BP. We maintained
6 surveillance on that vehicle as it traveled out of the area, up
7 Security Boulevard to the Security Square Mall, maintained
8 surveillance on it there. It left the mall parking lot. It
9 went back down to the Windsor Mill/North Forest Park area where
10 it parked at the BP.

11 **Q.** And let me stop you just for a moment there. I'm going to
12 show you Government's Exhibit MAP-34.

13 And can you indicate on this map where you were conducting
14 surveillance.

15 **A.** Sure. It was this area right here (indicating).

16 **Q.** You should be able to point to your screen -- oh, there,
17 yes, it just showed up.

18 And why did you maintain surveillance on the red Nissan
19 that you just described?

20 **A.** Usually if a drug buyer already purchases the drugs,
21 they'll either immediately leave the area, stop to use the
22 drugs. We didn't see any of that. So we assumed they hadn't
23 purchased yet, so we were hoping to still catch a sale. So we
24 maintained surveillance on them until they returned back to the
25 BP.

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1 Q. And what happened once they returned back to the BP?

2 A. Once they returned to the BP, the Nissan parked. The
3 white male exited the vehicle. He met a black male subject at
4 the front of the store. They went into the store. And then a
5 short time later, very short time later, the white male and the
6 black male exited the store. The white male entered the red
7 Nissan, and then that Nissan left the area.

8 Q. And what did you believe you had just observed?

9 A. Illegal drug transaction.

10 Q. And why?

11 A. The red Nissan's activities just moving around throughout
12 the county, not really stopping anywhere particularly. The
13 white male subject didn't exit the store carrying anything, and
14 the meet was very short. Like, he met the black male outside.
15 They went in together, and then they exited together for a
16 specific meet.

17 Q. Were you able to identify the black male who led the white
18 male into the BP?

19 A. Yes. I later identified him as Dominick Wedlock.

20 Q. I'm going to show you Government's Exhibit IND-94.

21 Who are we looking at there?

22 A. That's Dominick Wedlock.

23 Q. Now, after you observed what you just described, was a
24 traffic stop conducted of the red Nissan?

25 A. Yes. My sergeant was able to stop the vehicle a short

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1 distance away. We approached the vehicle to talk to the
2 occupants. I got the front seat occupant out, who I identified
3 as Alex Kessler. On the floorboard of the vehicle I could see
4 a baggie which I believed contained suspected crack cocaine.

5 He was -- had to exit the vehicle. A search incident to
6 arrest of him, I found another -- it was more -- three more
7 baggies of crack cocaine and three bags of heroin in his shoe.

8 Q. And when you say "baggies of crack cocaine and heroin,"
9 are those what you believed them to be based on your training?

10 A. Correct; through my training, knowledge, experience, I
11 know to be crack and heroin.

12 Q. Did Mr. Wedlock come up again in your investigation later?

13 A. He did. A short period later, yes.

14 Q. And I want to direct your attention to February 12th of
15 2015 at approximately 1:10 in the afternoon. Were you working
16 and on duty at that time?

17 A. I was, yes.

18 Q. And what were you doing?

19 A. I was again conducting surveillance in that area of
20 North Forest Park and Windsor Mill Road. I had identified an
21 Audi that was parked on the lot of 1900 North Forest Park.
22 It's an apartment complex just down the street.

23 Q. I'm going to show you MAP-34 again. Can you indicate on
24 the map where you're talking about.

25 A. Sure. The Audi was in this parking lot right here

~~FISHER - DIRECT~~

(indicating), and I was parked right about there (indicating).

Q. And what did you observe?

A. I observed a station wagon, I believe it was a dark-colored station wagon, pull into the lot. A black male wearing a gray sweatsuit walked up to the station wagon. I was able to see a hand-to-hand transaction. Didn't see any drugs, but I saw money exchanged. I saw the black male take money. That black male in a sweatsuit then got into the backseat of the Audi.

The station wagon left the area. I didn't have enough cars to follow it, so I stayed with the Audi as it left the area.

That Audi traveled onto North Forest Park and then down Windsor Mill down into Baltimore County. By the time I got a marked unit up with me, it had pulled in front of an address in the 2000 block of Ingleside Avenue [sic] in Woodlawn.

Q. And stopping you for a minute there, what did you believe -- when you saw that hand-to-hand transaction, what did you believe you observed?

A. I believed that to be an illegal drug transaction.

Q. Now, did you follow the car to the 2000 block of Englewood Avenue?

A. Correct.

Q. And what happened once you got there?

A. Once we got there, the patrol unit activated his emergency

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1 equipment. The vehicle stopped. I approached the vehicle. In
2 the rear passenger seat, I later -- the person seated was later
3 identified as William Jones. In the backseat there was
4 marijuana in plain view, and there was also a strong odor of
5 marijuana coming from the vehicle.

6 Q. And I'm going to show you Government's Exhibit IND-55, and
7 is this the person who you identified as William Jones?

8 A. Correct.

9 Q. And did you conduct a search of Mr. Jones' person?

10 A. I did, yes.

11 Q. And what, if anything, did you recover?

12 A. We recovered U.S. currency, a cell phone, and there was
13 more marijuana on his person as well.

14 Q. Did you also conduct a search of -- well, I'm sorry.

15 Did you say who the front-seat --

16 A. I identified the front-seat passenger as Dominick Wedlock.
17 He was driving the vehicle.

18 Q. And did you conduct a search of Dominick Wedlock's person?

19 A. I did. On his person, I recovered U.S. currency, almost a
20 thousand dollars, and then two cellular phones.

21 Q. And I'm going to approach and show you

22 Government's Exhibits CELL-15 and CELL-16. (Handing.)

23 And are those the cell phones that you recovered from
24 Mr. Wedlock?

25 A. Yes. Yes, they are.

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1 Q. Now, during this interaction with Mr. Jones and
2 Mr. Wedlock, did you learn where Mr. Wedlock lived?

3 A. I did. Mr. Wedlock, he asked if I could give the keys to
4 the vehicle to his girlfriend, who lived at
5 2018 Englewood Avenue.

6 Q. And did you respond to that address?

7 A. I did. I went and I knocked on the door of Englewood. A
8 female opened the door, who I later identified as Felicia Savo.
9 As soon as she answered the door, a strong odor of marijuana
10 hit me in the face.

11 So I thought at that point we're going to hold the house
12 for a search warrant due to the stuff I had observed at the BP,
13 the drug transaction, and the fact that they were coming back
14 there. So the house was held, and I applied for a
15 search-and-seizure warrant for that location.

16 Q. And did you obtain a search warrant?

17 A. I did, yes.

18 Q. And did you assist in executing that search warrant?

19 A. I did, yes.

20 Q. And what, if anything, did you recover from the residence?

21 A. Inside the residence, I recovered a .357 Smith -- I
22 believe it was Smith & Wesson revolver, magazine to a
23 .45-caliber handgun which was loaded. We recovered more
24 marijuana, some counterfeit currency, and paperwork relative to
25 the investigation.

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1 Q. And I'm going to approach and show you Government's
2 Exhibit F-4. (Handing.)

3 And can you tell us what we're looking at there.

4 A. Yes. This is a Smith & Wesson revolver, firearm.

5 Q. And is it the revolver recovered from Mr. Wedlock's
6 residence?

7 A. That's correct.

8 Q. I'm going to show you Government's Exhibit F-4A.

9 And what are we looking at here?

10 A. That is a photograph of that firearm.

11 Q. And I'm going to approach and show you Government's
12 Exhibit F-31. (Handing.)

13 And I apologize. You may need to open the package.

14 A. Excuse me?

15 Q. You may need to open the package.

16 A. Sure.

17 Q. But can you tell us what's inside there.

18 A. Sure. It's a magazine to a .45-caliber handgun
19 (indicating).

20 Q. And is that the .45-caliber magazine that was recovered --

21 A. That's correct.

22 Q. -- in Mr. Wedlock's residence?

23 Following the search warrant, was Mr. Wedlock placed under
24 arrest?

25 A. He was, yes.

~~FISHER - DIRECT~~

1 Q. Now, you testified a minute ago that you recovered two
2 cell phones from Dominick Wedlock. Did you later transfer
3 those cell phones to ATF so that search warrants could be
4 conducted?

5 A. Yes, I did.

6 Q. All right. I'm going to show you Government's Exhibit
7 CELL-15-A, which has been identified as excerpts from a
8 certified extraction report for Government's Exhibit CELL-15,
9 which you identified as a cell phone recovered from
10 Dominick Wedlock.

11 A. Correct.

12 Q. And it's a little blurry, but can you see -- can you
13 identify any of the people in this photograph here.

14 A. Yes. This is Dominick Wedlock (indicating).

15 This is Jamal Lockley (indicating).

16 Those are the only two I can identify in that photograph.

17 Q. And moving down below, can you identify any people in this
18 photograph.

19 A. Sure. This is Dominick Wedlock (indicating).

20 And this is Dante Bailey there (indicating).

21 Q. Can you identify any of the people in the top photograph
22 here?

23 A. This is Jacob Bowling (indicating).

24 This is Dominick Wedlock (indicating).

25 And I -- is that William Jones in the back there? I

~~FISHER - DIRECT~~

1 can't -- I'm trying to --

2 Q. It's okay if you can't see.

3 A. Yeah. I can't see.

4 Q. It's blurry.

5 Can you identify the people in this photograph?

6 A. Yes. That's Dominick Wedlock (indicating).

7 And that's William Jones (indicating).

8 Q. I'll try pulling this one up. I'm going to pull up

9 Government's Exhibit CELL-15-A.

10 Can you identify any of the people in this photograph?

11 A. Yes. This is William Jones (indicating).

12 This is Tiffany Bailey (indicating).

13 This is Dominick Wedlock (indicating).

14 Q. And can you identify any of the people in this photograph?

15 A. Yes. Adrian Spence (indicating).

16 Q. Sorry.

17 A. That's okay.

18 Dominick Wedlock (indicating).

19 William Jones (indicating).

20 Q. And I'm going to skip ahead.

21 Can you identify any of the people in this photograph?

22 A. Jamal Lockley (indicating).

23 Dominick Wedlock (indicating).

24 And that's Dante Bailey (indicating).

25 Q. Can you identify that person.

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1 **A.** That's Shakeen Davis right there (indicating).

2 **Q.** Did he come up in your investigation as well?

3 **A.** Yes.

4 **Q.** Can you identify any of the people in this photograph?

5 **A.** Sure. Jacob Bowling (indicating).

6 Dominick Wedlock (indicating).

7 William Jones (indicating).

8 I believe that's Jamal Smith back there (indicating).

9 And then Dwight Jenkins, I believe (indicating). That's
10 Dwight Jenkins.

11 **Q.** Did Dwight Jenkins come up in your investigation as well?

12 **A.** Yes.

13 **Q.** Can you identify the people in this photograph?

14 **A.** Sure. That's Dominick Wedlock (indicating).

15 And that is William Jones (indicating).

16 **Q.** Can you read the created date for me over here
17 (indicating).

18 **A.** Sure. That is November 19th of 2014.

19 **Q.** And do you recognize any of the people in the photograph
20 here?

21 **A.** That's Dominick Wedlock (indicating).

22 That's Randy Banks (indicating).

23 **Q.** And did he come up in the course of your investigation?

24 **A.** Yes, his name -- yes.

25 **Q.** Can you identify any of the people in this photograph?

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1 **A.** Sure. This is Edwin McCargo (indicating).

2 Dominick Wedlock (indicating).

3 Jacob Bowling (indicating).

4 This is Jamal Lockley (indicating).

5 **Q.** And last page here, can you identify the people in these
6 photographs?

7 **A.** Sure. The top photograph is Dante Bailey (indicating) and
8 Dominick Wedlock (indicating).

9 And the bottom photograph is Dante Bailey (indicating).

10 **Q.** I'm going to now pull up Government's Exhibit CELL-16-A,
11 which has been identified as excerpts from a certified
12 extraction report for CELL-16, which you identified as a
13 cell phone recovered from Dominick Wedlock.

14 And do you see that there are a number of contacts listed
15 here?

16 **A.** I do.

17 **Q.** First, I want to ask you: Can you read the phone number
18 listed for Big Bruh.

19 **A.** Sure. That phone number is (443) 415-9975.

20 **Q.** Now, was there anyone in your investigation -- did anyone
21 come up in your investigation who went by the name Bo?

22 **A.** Yes. That was Corloyd Anderson.

23 **Q.** And I'm going to show you Government's Exhibit IND-2.

24 Who is that?

25 **A.** Corloyd Anderson.

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1 Q. And can you read the name here, just the name for me.

2 A. Bruh Cone.

3 Q. Now, was there anyone who came up in your investigation
4 who went by the name Dirt?

5 A. I believe that was Randy Banks.

6 Q. Was there anyone who -- I believe you mentioned earlier
7 that Jamal Smith went by the nickname Mal?

8 A. Correct.

9 Q. And do you see the contact here for "Bruh Mall"?

10 A. I do.

11 Q. Can you read for me the contact here, what this name is.

12 A. That's Nizz.

13 Q. Is there anyone who came up in your investigation named
14 Bruh SP -- or, I'm sorry, named SP?

15 A. SP, it was a nickname for Adrian Spence, either that or
16 Spittle, they called him.

17 Q. And, finally, was there anyone who came up in your
18 investigation who went by the name Unc?

19 A. Unc, yeah. That was Dwight Jenkins went by Unc.

20 Q. And I'm going to show you Government's Exhibit IND-50.

21 And who's that?

22 A. That's Dwight Jenkins.

23 Q. Let's turn to the next page of CELL-16-A. And I just want
24 to ask you, do you see under sender here a text message from
25 Mom Dukes?

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1 **A.** Yes, I do.

2 **Q.** And can you read the text here (indicating).

3 **A.** Sure. It says [reading]: Hey there, Dominic, what's up?
4 Your Mom Dukes needs some cigarettes bad. So if you can help
5 her out, it will be greatly appreciated.

6 And the next message says [reading]: Nick, did you get my
7 text?

8 **Q.** And then do you see there's a text message or an SMS
9 message from someone named Meeka over here (indicating)?

10 **A.** Yes.

11 **Q.** And then can you read what this message says.

12 **A.** It says [reading]: Bye, Nick.

13 **Q.** Now, I want to direct your attention down below to the --
14 where it says selected SMS messages.

15 First, I want to direct your attention to these messages.
16 Do you see that there's a series of messages sent and received
17 from Big Bruh?

18 **A.** Yes.

19 **Q.** And can you read the text of this first message on
20 February 9th of 2015 from Big Bruh.

21 **A.** Sure. That text says [reading]: Look at your text.

22 **Q.** And then can you read the next message received by
23 Big Bruh, the text over here (indicating).

24 **A.** Yes. It says [reading]: I erase all my texts. Don't
25 leave dat in my phone.

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1 Q. And then can you read the text of the third message here
2 sent where it says [reading]: Sender: Big Bruh.

3 A. Sure. [reading]: 3901 Princely Way, Pikesville,
4 Maryland, 21208.

5 Q. And did that address come up in your investigation?

6 A. It did.

7 Q. How did it come up?

8 A. That is the address of Dante and Tiffany Bailey.

9 Q. And then I want to direct your attention down to the
10 bottom. Do you see the text messages from sender Sis Tiff on
11 February 12th of 2015?

12 A. Yes.

13 Q. And can you read the text for those.

14 A. [Reading]: We in the car. I keep calling you, and you
15 aren't answering.

16 And the next one is [reading]: Did you make it to lock
17 the front door?

18 Q. Now, you mentioned a few minutes ago that Jarmal Harrid
19 was a subject of your investigation.

20 A. Correct.

21 Q. Pulling up, again, Government's Exhibit IND-43, and is
22 that Jarmal Harrid?

23 A. Yes.

24 Q. I want to direct your attention to May 8th of 2015. Did
25 you assist with the execution of an arrest warrant on

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1 Mr. Harrid that day?

2 A. I did, yes.

3 Q. And where did the arrest take place?

4 A. It occurred at the Ramada Inn located at 6422
5 Baltimore National Pike in Catonsville, Maryland.

6 Q. Can you tell us how the arrest unfolded.

7 A. Sure. We had received information that Jarmal Harrid had
8 an open arrest warrant and was staying at the Ramada Inn. I
9 responded there with Detective Griffin. We set up surveillance
10 on the room we believed Jarmal Harrid to be in.

11 During the course of surveillance, we observed
12 Jarmal Harrid come and go from the door of the hotel room
13 several times. We notified the Baltimore County tactical unit,
14 who responded. And they served the arrest warrant inside the
15 location.

16 Once the location was then secured, Jarmal Harrid was in
17 there as well as a Chantia Rone, his girlfriend, and then
18 Jarmal Harrid's grandfather.

19 Q. And did you -- what did you observe inside the room?

20 A. On one of the beds was a large amount of U.S. currency
21 just in plain sight.

22 Q. And did you search the room?

23 A. We did. When we searched the room, we found a quantity of
24 marijuana. We found approximately, I believe it was, \$7,000 in
25 U.S. currency in various locations around the room. And then

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1 we found keys to a Honda inside the room, which that Honda we
2 located outside in the parking lot.

3 Q. And that was going to be my next question. Were you able
4 to locate the vehicle outside the hotel?

5 A. Yes, we did locate the vehicle outside the hotel.

6 Q. And how were you able to determine it was the right
7 vehicle?

8 A. We hit the key fob and the lights blinked.

9 Q. And did you -- did you have a K9 scan the vehicle?

10 A. That's correct. We did.

11 Q. And did the K9 give a positive alert?

12 A. Yes, the K9 alerted to the vehicle.

13 Q. And did you then search the Honda?

14 A. We did. When we searched the Honda, we located scales,
15 some baggies. And then behind the glove box, up underneath the
16 glove box, we located a quantity of suspected cocaine and
17 suspected heroin. I believe it was approximately 29 grams of
18 cocaine, 26 grams of heroin.

19 Q. And were those suspected -- was the suspected heroin and
20 cocaine submitted to the lab for testing?

21 A. It was, yes.

22 Q. Now, you mentioned that you later conducted a wiretap of
23 some of Adrian Spence's phones in the summer of 2015.

24 A. Yes.

25 Q. In the course of your wiretap investigation, did you

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1 intercept calls between Adrian Spence and Jarmal Harrid that
2 were indicative of drug trafficking?

3 **A.** Yes, we did.

4 **Q.** And I'm going to play you Government's Exhibit D-270, and
5 the transcript is on Page 329 of the jurors' transcript
6 binders. This is in the wire call section.

7 I'm going to play this call for you.

8 (Audio was played but not reported.)

9 **THE COURT:** So we had the echo.

10 **MS. HOFFMAN:** We do have the echo.

11 **THE CLERK:** From the big TV, that's where it's coming
12 from.

13 **THE COURT:** That one?

14 **THE CLERK:** Yes.

15 **THE COURT:** Can you turn that one off.

16 **THE CLERK:** Yes, I can.

17 **THE COURT:** All right.

18 **MS. HOFFMAN:** I'm going to switch over to the ELMO
19 here.

20 **BY MS. HOFFMAN:**

21 **Q.** Were you able to recognize the voices of the people in
22 that call?

23 **A.** I was, yes. That was Adrian Spence and Jarmal Harrid.

24 **Q.** And I'm putting the transcript up here. Can you read the
25 date of this call (indicating).

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1 **A.** Sure. It was June 20th of 2015.

2 **Q.** Did you hear when Mr. Spence said [reading]: How that
3 little gray thing Nut got going on, light gray (indicating)?

4 **A.** Yes.

5 **Q.** And then did you hear when Mr. Spence said [reading]: I
6 let one of my peoples try it. They said it was good, though,
7 but it ain't no twenty?

8 **A.** Yes.

9 **Q.** Did you hear what he said -- when he said it was like an
10 eight and a half?

11 **A.** Yes.

12 **Q.** [Reading]: Eight and a half, nine, for real (indicating).
13 Now, you mentioned earlier that you have a lot of
14 experience recovering narcotics.

15 **A.** Correct.

16 **Q.** Does the appearance and quality of heroin vary?

17 **A.** Yes, it does.

18 **Q.** And can you explain.

19 **A.** Sure. Depending on what it's cut with, where it comes
20 from, the color of heroin can go from brown to a light gray to
21 an almost white, depending on what they cut it with or how they
22 make it.

23 **Q.** During the wiretap investigation in the summer of 2015,
24 did you also intercept calls between Adrian Spence and
25 William Jones that were indicative of drug trafficking?

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1 **A.** Yes.

2 **Q.** I'm going to play you Government's Exhibit D-483, which is
3 on Page 337 of the wire call section. I'm going to play this
4 call.

5 (Audio was played but not reported.)

6 **BY MS. HOFFMAN:**

7 **Q.** Detective Fisher, how many wiretap calls would you say you
8 listened to over the course of this wiretap investigation?

9 **A.** A thousand.

10 **Q.** And did you commonly hear terms like "one-piece,"
11 "two-piece," "nine-piece"?

12 **A.** I did, yes.

13 **Q.** And did you ever make stops or arrests shortly after
14 hearing calls like that?

15 **A.** Yes, we did.

16 **Q.** And did you ever recover drugs during those stops or
17 arrests?

18 **A.** We did. We recovered heroin.

19 **Q.** And did the heroin that you recovered ever correspond in
20 any way to the quantities that you heard referenced in the
21 calls?

22 **A.** It did. They responded in gram quantities.

23 **Q.** And can you explain.

24 **A.** Sure. The way it appeared that the organization worked,
25 from the jail calls we were -- I'm sorry, wire calls we were

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1 listening to, is one piece would equal 1 gram of heroin. So if
2 somebody was asking for a 10-piece, they were indicating they
3 wanted 10 grams of heroin.

4 **Q.** I'm going to play you another call.

5 **MS. HOFFMAN:** And, Your Honor, I don't know if the
6 audio -- I'm going to have a number of calls to play, and I
7 don't know if it makes sense to try to get the audio fixed
8 first or just keep going.

9 **THE CLERK:** I'm standing behind you. I just want to
10 make sure that it is off.

11 **MS. HOFFMAN:** Thank you.

12 All right. I'm going to play Call D-484, which is on
13 Page 338, so the next page of the transcript binders.

14 (Audio was played but not reported.)

15 **BY MS. HOFFMAN:**

16 **Q.** And, Detective Fisher, did you hear when Mr. Spence said
17 [reading]: Bring two sandwich bags and the clock?

18 **A.** Yes.

19 **MS. HOFFMAN:** And, actually Your Honor, may I approach
20 briefly?

21 **THE COURT:** Sure.

22 (Bench conference on the record:

23 **MS. HOFFMAN:** So I would like to -- and I apologize.
24 I should have raised this earlier. But I would like to refer
25 him to the glossary, DEM-6, that was used with William Banks to

1 define certain terms, specifically to the word "clock."

2 And as we indicated earlier, we do not plan to call an
3 expert to testify about coded words and the meaning of language
4 in these calls.

5 And we also -- the DEM-6, we view it as a
6 demonstrative that we don't think needs to go actually back to
7 the jury at the end of the case.

8 But we would like to use it as a demonstrative
9 periodically to simply refer the jury's attention to how a
10 particular term like "clock" was defined by Mr. Banks. So I
11 wanted to raise that.

12 **THE COURT:** What are you expecting him to say in terms
13 of what does a clock mean?

14 **MS. HOFFMAN:** I'm sorry. I missed that.

15 **THE COURT:** If you simply asked this witness, you
16 know: In the course of your investigation, did you come across
17 any meaning for the word "clock"? I mean, something like that
18 would --

19 **MS. HOFFMAN:** So I wanted to avoid doing that simply
20 because of the Fourth Circuit case law saying that a fact
21 witness should not testify as an expert about coded language,
22 and we haven't qualified him as an expert. So I wanted to be
23 careful to avoid that.

24 And that's why I thought it would be more appropriate
25 to simply have him read without providing any interpretation,

1 simply read the definition that had been provided by
2 William Banks for the word "clock."

3 **THE COURT:** Counsel?

4 **MS. WHALEN:** I think there are multiple objections
5 from various attorneys.

6 My objection goes to using a demonstrative from one
7 witness's testimony that was created solely as a demonstrative
8 of his testimony to somehow augment this witness's testimony.

9 I think there were some others.

10 **THE COURT:** I don't think that's an appropriate use of
11 the demonstrative.

12 **MR. SARDELLI:** Your Honor, they've already said that
13 this is some type of workaround about what he's already not
14 supposed to be allowed to do anyways, Your Honor. It seems
15 like an end runaround that we're not supposed to do anyways,
16 Your Honor.

17 **MS. AMATO:** Your Honor, this witness, then, would be
18 bolstering the testimony of Mr. William Banks, which is
19 inappropriate.

20 **MS. HOFFMAN:** Yeah, so I don't intend to use it to
21 bolster his testimony, but simply to refresh the jury's
22 recollection as to what William Banks defined the term as.

23 There are a number of coded words that are going to be
24 used in multiple wire and jail calls throughout this case, and
25 we decided not to call an expert in coded language because we

1 think it makes more sense to have it come from someone who's
2 actually in the gang and can provide the meaning of those terms
3 within the gang.

4 I would also note that in the case of United States
5 versus Gerald Johnson in front of Judge Bredar, we did use the
6 same thing. So rather than calling any expert in drug
7 terminology, we instead had a cooperating defendant define
8 terms in a glossary and then referred the jury back to those
9 terms in the glossary simply as a memory aid to help them
10 understand the meaning of the calls over the course of the
11 trial.

12 **THE COURT:** Okay. Well, if you want to show me at a
13 later point exactly how this was permitted by Judge Bredar in
14 his case.

15 But for right now, I'm sustaining the objection. It's
16 essentially just bringing in some other witness's testimony.
17 And I understand that it may be -- you may think it may be
18 helpful to the jury. I'm not suggesting any ulterior motive.
19 But I'm just not sure that that's proper use of Mr. Banks'
20 testimony to bring that in.

21 And I appreciate that you're not having an expert in
22 coded language. So if this sort of falls under that category,
23 then you're right; you shouldn't be asking this witness that
24 question. There may be others -- I would say I think it's
25 already happened with one other witness that heard such general

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1 use of "girl" or "boy" or something that, based on obviously
2 his years of experience -- and you did bring that out, hundreds
3 of arrests, that I think he would be fine to testify to that.
4 But not interpreting the word "clock."

5 So that is at least my ruling for this witness.)

6 (Bench conference concluded.)

7 **BY MS. HOFFMAN:**

8 **Q.** Based on your years of experience in the Narcotics Unit,
9 are sandwich bags ever used as drug paraphernalia?

10 **A.** Yes; used to package drugs often.

11 **Q.** And are digital scales sometimes used as drug
12 paraphernalia?

13 **A.** Yes; to weigh the illegal drugs.

14 **Q.** I'm going to play another call for you. And this one is
15 Government's Exhibit D-660, and it's on Page 348 of the wire
16 tab section of the binders.

17 (Audio was played but not reported.)

18 **BY MS. HOFFMAN:**

19 **Q.** And I should have asked you this before, Detective Fisher,
20 but do you recognize the voices in this call and in the last
21 one we just heard?

22 **A.** I do. It's William Jones and Adrian Spence.

23 **Q.** And can you tell us the date of this call.

24 **A.** Sure. That is July 6th of 2015.

25 **Q.** I'm going to play you now Government's Exhibit D-663, or

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1 Call D-663, which is on Page 349, the next page of the
2 transcript binders.

3 (Audio was played but not reported.)

4 **BY MS. HOFFMAN:**

5 **Q.** I'm going to play you Call D-737, which is at Page 361 of
6 the wire call tab.

7 And can you tell us the date of this call.

8 **A.** Sure. That is July 9th of 2015.

9 (Audio was played but not reported.)

10 **BY MS. HOFFMAN:**

11 **Q.** And I'm going to play you Call G-24, which is on Page 368
12 of the wire call section.

13 And can you tell us the date of this call.

14 **A.** Sure. That is July 18th of 2015.

15 (Audio was played but not reported.)

16 **BY MS. HOFFMAN:**

17 **Q.** Detective Fisher, we just played a series of wire calls.
18 Is this every single wire call that you intercepted between
19 Spence and William Jones?

20 **A.** No.

21 **Q.** Was it a sample of them?

22 **A.** Correct.

23 **Q.** Is it a representative sample of them?

24 **A.** Yes.

25 **Q.** You mentioned earlier that Jamal Lockley, also known as

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1 T-Roy, was intercepted during the wiretap investigation; is
2 that right?

3 A. Correct.

4 Q. Did you also intercept calls between Spence and
5 Jamal Lockley that were indicative of drug trafficking?

6 A. Yes.

7 Q. And I'm going to play you Call D-305. This is on Page 331
8 of the wire call section of the transcript binders.

9 Can you tell us the date of this call.

10 A. Sure. That is June 23rd of 2015.

11 Q. And over the course of your investigation, did you become
12 familiar with Jamal Lockley's voice?

13 A. I did, yes.

14 Q. I'm going to play this call.

15 (Audio was played but not reported.)

16 BY MS. HOFFMAN:

17 Q. Did you hear when Mr. Spence said, "I'm low"?

18 A. Correct.

19 Q. I'm going to play you Call D-307, and this is at Page 333.
20 And can you tell us the date of this call.

21 A. This is June 23rd of 2015.

22 Q. Oh, and I should have asked you: In the call that we just
23 heard, did you recognize the people who were speaking?

24 A. I did. It was Adrian Spence and Jamal Lockley.

25 Q. I'm going to play Call D-307.

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(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. And, Detective Fisher, did you hear when Jamal Lockley said, "Bring me, um, 10-piece real quick"?

A. Yes.

Q. I'm going to play you Government's Exhibit or, I'm sorry, Call No. D-466, which is at Page 335.

Can you tell us the date of this call.

A. June 29th of 2015.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Did you hear when Jamal Lockley said, "There's a one-piece at the pump"?

A. Yes.

Q. And, again, based on your experience recovering drugs in this case, what would a one-piece typically correspond to?

A. 1 gram of heroin.

Q. And during your investigation, did you ever see transactions at the gas pumps at the BP gas station?

A. Yes; numerous.

Q. Can you explain.

A. Sure. They would use the gas station as like a hub. It was an easy place to get on and off Windsor Mill Road and Forest Park. And sometimes the buyers would just park at a pump, and then they'd be met immediately by somebody up to

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1 their window.

2 So when he says "pump," I assume he means the pump at the
3 BP at Windsor Mill Road and Forest Park.

4 Q. I'm going to play you call number D-469, which is at
5 Page 336, the next page.

6 And -- I'm sorry. Actually, let me go back just a second
7 and pull back up D-466.

8 Can you read the date and time of this call.

9 A. This is June 29th, 2015, at 10:42 p.m.

10 Q. And then, again, back to D-469. Can you read the date and
11 time of this call.

12 A. Sure. This is June 29th of 2015 at 10:44 p.m.

13 Q. So just a couple minutes later?

14 A. Correct.

15 (Audio was played but not reported.)

16 **BY MS. HOFFMAN:**

17 Q. Did you hear Mr. Spence say, "In a silver Honda"?

18 A. I did, yes.

19 Q. I'm going to play you Call D-554, which is on Page 341.

20 And can you read the date of this call.

21 A. That is July 2nd of 2015.

22 (Audio was played but not reported.)

23 **BY MS. HOFFMAN:**

24 Q. I'm going to play you Call D-664, which is at Page 351.

25 Can you read the date of this call.

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1 **A.** This is July 6th of 2015.

2 (Audio was played but not reported.)

3 **BY MS. HOFFMAN:**

4 **Q.** Did you hear when Adrian Spence asked, "What you gonna
5 need?"

6 **A.** Yes.

7 **Q.** And did you hear when Jamal Lockley said "40"?

8 **A.** I did, yes.

9 **Q.** I'm going to play you Call D-726, which is at Page 355.

10 And can you tell us the date of this call.

11 **A.** Sure. This is July 8th of 2015.

12 (Audio was played but not reported.)

13 **BY MS. HOFFMAN:**

14 **Q.** And did you hear -- well, first of all, I'm going to go to
15 the first page of the transcript.

16 And can you tell us the time of this call on July 8th of
17 2015.

18 **A.** Sure. This -- it was 7:19 p.m. was the start time.

19 **Q.** And was there a subject of your investigation, I believe
20 you mentioned earlier, who went by Jamal Smith or Mal?

21 **A.** Correct.

22 **Q.** I'm going to show you Government's Exhibit IND-80.

23 And is that Mal?

24 **A.** Yes.

25 **Q.** Did you hear Mr. Smith reference "knockers" in the

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1 previous call?

2 **A.** Yes.

3 **Q.** And based on your 14-some years of experience in
4 law enforcement, what does "knockers" refer to?

5 **A.** It's a street term for an undercover detective or
6 narcotics detective. They call us knockers.

7 **Q.** I want to play you Call D-728, which is at Page 357.
8 And can you tell us the date and time of this call.

9 **A.** Sure. That was July 8th of 2015, and the start time of
10 the call was 7:25 p.m.

11 **Q.** So is this shortly after the call we just listened to?

12 **A.** Correct.

13 (Audio was played but not reported.)

14 **BY MS. HOFFMAN:**

15 **Q.** And I'm going to play you Call D-729, which is at
16 Page 359.

17 Can you tell us the date and time of this call.

18 **A.** It's July 8th of 2015, and the start time is 7:36 p.m.

19 **Q.** So, again, is this shortly after the call that we just
20 heard?

21 **A.** Correct.

22 (Audio was played but not reported.)

23 **THE COURT:** And you can let me know when you're at a
24 good breaking point.

25 **MS. HOFFMAN:** Yeah. I was just going to say, I think

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1 this is a good stopping point.

2 **THE COURT:** Okay. All right. We're going to take the
3 lunch recess, ladies and gentlemen. We'll start by excusing
4 the jury.

5 (Jury left the courtroom at 12:57 p.m.)

6 **THE COURT:** All right. The witness can step down.
7 Please be back at 2 o'clock.

8 And we'll excuse the gallery.

9 All right. We'll take the lunch recess. I'll see
10 everybody back here at 2 o'clock.

11 (Luncheon recess taken.)

12 **THE COURT:** All right. Are we ready for the jury?

13 **MS. HOFFMAN:** Yes.

14 **THE COURT:** Okay. Do you want to get the witness back
15 on the stand.

16 (Jury entered the courtroom at 2:08 p.m.)

17 **THE CLERK:** Sir, you're still under oath.

18 **THE WITNESS:** Thank you, ma'am.

19 **THE COURT:** All right. If you'd like to continue,
20 Ms. Hoffman.

21 **BY MS. HOFFMAN:**

22 **Q.** Good afternoon, Detective Fisher.

23 **A.** Good afternoon.

24 **Q.** When we left off, we were playing some wire calls between
25 Adrian Spence and Jamal Lockley, and I'd like to play you

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1 another call now. This is Call No. G-78, and it's on Page 374
2 of the jurors' transcript binders behind the wire calls tab.

3 Can you start by reading the date of this call.

4 **A.** Sure. The date is July 20th of 2015.

5 (Audio was played but not reported.)

6 **BY MS. HOFFMAN:**

7 **Q.** I'm going to play another call. This one is G-148, and
8 this one is at Page 378 of the transcript binders.

9 And, by the way, did you recognize the voices in that last
10 call?

11 **A.** I did. It was Adrian Spence and Jamal Lockley.

12 **Q.** Can you read the date of this call.

13 **A.** July 21st of 2015.

14 (Audio was played but not reported.)

15 **BY MS. HOFFMAN:**

16 **Q.** Did you hear Mr. Lockley say, "I'm going to need a
17 Curtis"?

18 **A.** Yes.

19 **Q.** And then did you hear him say when Spence asked, "What is
20 that, 50?"

21 **A.** Yes.

22 **Q.** And can you remind us again what "knockers" means.

23 **A.** "Knockers" is a term for police, narcotics detectives or
24 plainclothes detectives.

25 **Q.** I'm going to play you another call. This one is G-396,

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1 and this one is on Page 384.

2 And can you read the date of this call.

3 A. It is July 30th of 2015.

4 Q. And can you read the participants for us.

5 A. It is Adrian Spence and Takuma Tate.

6 (Audio was played but not reported.)

7 BY MS. HOFFMAN:

8 Q. And did you hear the reference to T-Roy in that call?

9 A. Yes.

10 Q. And did you hear Mr. Spence say, "See if he can do the
11 50-piece for 4 bands. That's 80 and shit"?

12 A. Yes.

13 Q. Do you know what a band is?

14 A. Band would be a thousand dollars.

15 Q. I'm going to direct your attention to July 3rd -- well,
16 first let me ask you: We just listened to a number of calls.
17 Did we listen to every single call that you intercepted between
18 Adrian Spence and Jamal Lockley?

19 A. No.

20 Q. Did we listen to a representative sample?

21 A. Yes.

22 Q. I want to direct your attention to July 3rd of 2015.

23 Did you assist with the execution of a search warrant on
24 that day?

25 A. I did.

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1 Q. And what was the location of the search warrant?

2 A. That was 3109 Princely Way in Pikesville, Maryland.

3 Q. Is that possibly 3901?

4 A. 3901. I apologize. 3901 Princely Way, Pikesville,
5 Maryland.

6 Q. And can you remind us who was associated with that
7 residence.

8 A. That was Dante Bailey's and Tiffany Bailey's residence.

9 Q. And did you assist with surveillance at the location prior
10 to the search warrant?

11 A. Yes, I did assist in surveillance there.

12 Q. What did you observe when you got to the residence?

13 A. So once I got to the location, I had set up surveillance.
14 I had an unmarked vehicle. We were watching the house because
15 Tiffany Bailey had previously been stopped and drugs had been
16 located in her car, so we were preparing for a search warrant
17 at the location. I was doing surveillance to make sure nobody
18 came and took anything out of the house or anybody left the
19 house.

20 So while I was conducting surveillance, there was several
21 cars driving around the area, almost like they were doing
22 countersurveillance.

23 Q. And did you see anyone in particular who you recognized?

24 A. I don't believe at that time I recognized anybody.

25 Q. And tell us what happened next.

~~FISHER - DIRECT~~

1 **A.** Sure. I had some marked patrol units come in the area due
2 to the -- in case somebody did leave with anything. As they
3 arrived, I stepped out of my vehicle. And I walked around to
4 the back of the house where I could hear voices coming from the
5 upstairs.

6 At that point I thought, you know, maybe somebody was
7 inside. We were going to go knock and announce ourselves, see
8 if we could secure the location.

9 I went along the front of the location with
10 Detective Goodwin. I had a police vest on, a raid vest that
11 says "police" on it front and back. And then I had Marked Unit
12 Officer Duffy with me.

13 As I knocked on the door, I heard somebody say, "Who is
14 it?"

15 I said, "The police."

16 And immediately I heard footsteps running away from the
17 door.

18 At that point I was concerned that either they were going
19 to destroy evidence, flush it, throw it out. So at that point
20 we made entry into the house; and we secured it, awaiting
21 arrival of the search warrant.

22 **Q.** And did you ultimately obtain a search warrant for the
23 residence?

24 **A.** Yes. Detective Griffin got a signed search warrant for
25 the residence.

~~FISHER - DIRECT~~

1 Q. While you were waiting for the search warrant, did you --
2 well, first of all, let me ask you this: Who did you locate --
3 who, if anyone, did you locate inside the residence when you
4 entered?

5 A. Inside the location, we found a Jay Greer and a juvenile
6 that would have been Dante Bailey's son.

7 Q. And I'm going to show you Government's Exhibit IND-39.
8 And who is that?

9 A. That's Jay Greer.

10 Q. And you mentioned that you found him inside. Were there
11 any indications that he was living at the residence?

12 A. I believe he told us he stayed there and there was some of
13 his belongings were there, from what I recall.

14 Q. While you were waiting for the search warrant to be
15 signed, did you notice any vehicles out in front of the house?

16 A. I did. There was a Mercury Marauder. There was a
17 Marauder parked in front of the -- directly in front of the
18 house.

19 Q. And I'm showing you Government's Exhibit MAP-35.

20 And can you tell us what we're looking at here.

21 A. Sure. That is the front of 3901 Princely Way, the far
22 right end of the townhome.

23 Q. And using this image here, can you indicate approximately
24 where the Mercury Marauder was parked.

25 A. Parked there (indicating).

~~FISHER - DIRECT~~

1 Q. And was that right in front of 3901?

2 A. Correct.

3 Q. Did you call for a drug dog to scan the vehicle?

4 A. I did, yes. We called for a drug dog.

5 Q. And did the drug dog give a positive alert?

6 A. It did.

7 Q. And at that point did you search the vehicle?

8 A. We did.

9 Q. And what, if anything, did you recover inside the vehicle?

10 A. We recovered from the interior of the vehicle paperwork.

11 I believe there was a half pill of a prescription drug. And in
12 the trunk of the vehicle, there was a Beretta handgun and
13 another revolver handgun.

14 Q. I'm going to show you Government's Exhibit F-6.

15 (Hanging.)

16 And can you tell us what we're looking at there.

17 A. This is a Beretta handgun.

18 Q. And is that one of the guns that was recovered from the
19 trunk of the Mercury Marauder?

20 A. Yes.

21 Q. And I'm going to show you Government's Exhibit F-6A.

22 And what are we looking at there?

23 A. That is a photograph of that firearm.

24 Q. Now, you mentioned you also recovered another gun from the
25 trunk, and I'm going to approach and show you

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1 Government's Exhibit F-8.

2 (Hanging.)

3 And can you tell us what you're looking at there.

4 **A.** That is a Smith & Wesson revolver.

5 **Q.** And is that one of the gun -- the second gun that was
6 recovered from the trunk of the Mercury Marauder?

7 **A.** Correct.

8 **Q.** I'm going to show you Government's Exhibit F-8A.

9 And what are we looking at there?

10 **A.** That's a photograph of that revolver.

11 **Q.** Did you ultimately execute the search warrant on the
12 residence?

13 **A.** We did, yes.

14 **Q.** And what, if anything, did you recover from inside the
15 residence?

16 **A.** Inside the residence, we recovered drug packaging
17 material, a money counter, paperwork related to the
18 investigation, keys to that Mercury Marauder, among other
19 things.

20 **Q.** And I'm going to show you Government's Exhibit GP-4-A.

21 And do you recognize this exhibit here?

22 **A.** I do.

23 **Q.** And what is it?

24 **A.** It is handwritten paperwork we found in the basement of
25 the location.

~~FISHER - DIRECT~~

1 Q. And I'm actually going to switch to the ELMO.

2 Are you able to read the handwriting okay from your screen
3 up there?

4 A. Yes.

5 Q. Do you see at the top where it says "Mobb Ties"?

6 A. Yes.

7 Q. And then do you see where it says [reading]: What year
8 did MMP start and why?

9 A. Yes.

10 Q. Can you read that section for us.

11 A. Sure. [Reading]: September 20th, 2009, is our birth
12 date. MMP started because Bad Guy wanted to separate the real
13 Gs from those that were fake and those who were snitches. Him
14 and his brother, Wolf, created a line that was impeccable in
15 character and could not be . . .

16 I'm trying to see what that word is --

17 Q. Feel free to skip if you can't read it.

18 A. Yeah.

19 . . . by anyone. And instead of continuing to live out
20 their story, they decided to live . . .

21 And I can't read the last few lines.

22 Q. I'm going to skip down here to number 3.

23 Do you see where it says [reading]: Does MMP have roots
24 in Cali?

25 A. Yes.

~~FISHER - DIRECT~~

1 Q. And would you mind reading this section here (indicating).

2 A. Sure. [Reading]: MMP does not need roots in Cali. We
3 are our own entity, but please understand that the Gs and
4 founders of the MOBB were respected Gs of TTP in Baltimore,
5 lineup known Gs of the Treetop before the MOBB, by the life
6 over here and ever there.

7 Q. And, actually, can you read this last bit right here
8 (indicating).

9 A. Sure. [Reading]: Through Wolf, the MOBB stomped on the
10 turf in Cali.

11 Q. And what does it say here (indicating)?

12 A. [Reading]: EMM R 4ever.

13 Q. Skip down a bit. Do you see where it says [reading]: Is
14 the MOBB blood?

15 A. [Reading]: To the outsider looking in, yes. To the pigs,
16 yes. So no matter how much you deny being blood, being a
17 mobster means you are blood.

18 Q. I'm going to flip over to Page 2.

19 And do you see where it says [reading]: Do we have to
20 acknowledge or peace other Bloods?

21 A. Yes.

22 Q. And can you read that section there.

23 A. Sure.

24 Q. Do you want me to zoom in?

25 A. Yeah, please.

~~FISHER - DIRECT~~

1 [Reading]: Capos and up are not obligated to greet anyone
2 other than those who outrank them within our family. It is a
3 respect thing when you walk -- when you make it to a certain
4 rank in the MOBB, you are known throughout the city and state
5 because of the way you put in as Piru. So people will already
6 recognize you, your name and/or face.

7 Q. And just directing your attention to this part, can you
8 read that one more time (indicating).

9 A. [Reading]: Because of the work you put in.

10 Q. Do you see where it says number 10 here [reading]: How
11 many lineups are under the MOBB?

12 A. Yes.

13 Q. And can you read this section for me here.

14 A. Sure. [Reading]: A round table is established when the
15 MOBB claims a territory as their own. Round tables are chains
16 of command that oversee the territory for the MOBB.

17 Q. And then can you read this section here (indicating).

18 A. [Reading]: The territory for -- oh, sorry.

19 [Reading]:

20 The only lineup that exists is as follows:

21 GongPay or Forefather, Bad Guy.

22 Godfather, Werewolf.

23 Boss of all Bosses, or BOB, Murder.

24 Boss of Finance, Sand.

25 Q. What's the abbreviation for Boss of Finance here?

~~FISHER - DIRECT~~

1 A. BOF.

2 Q. Skip down a little bit.

3 Do you see where it says [reading]: The MOBB has two
4 territories?

5 Here.

6 A. Yes.

7 Q. And can you read this section for me here (indicating).

8 A. Sure. [Reading]: These are the -- the MOBB has two
9 territories. These are the Underworld (5200) and the
10 Fatherland (Gwynn Oak). These territories have been claimed,
11 and it is known around the city that the MOBB owns these
12 places.

13 Q. And then I want to direct your attention here where it
14 says "territories." Do you see where it says [reading]: The
15 Underworld boss, Jim. Underboss, Sniper?

16 A. Yes.

17 Q. And the [Reading]: Motherland Boss, Reckless. Underboss,
18 Mookie?

19 A. Yes.

20 Q. I'm going to flip now to the next page.

21 Do you see where it says [Reading]: Godfather's
22 Round Table, Wolf Pack?

23 A. Yes.

24 Q. And can you read this section here (indicating).

25 A. Sure.

~~FISHER - DIRECT~~

1 [Reading]:

2 So under Godfather's Round Table Wolf Pack, I believe that
3 says Universal Boss, Spittle.

4 Universal Underboss, Rage/Bone/Gambino/Bad Girl.

5 Capo of all Capos, Menace, Ghost, and Trouble.

6 Universal LT, Nutty, Ramz, and Ni-Ni.

7 **Q.** And then I'm going to skip down. Do you see where it says
8 [Reading]: Boss of Finance Round Table?

9 **A.** Yes.

10 **Q.** And do you see over here where it says [reading]: Sand
11 must -- Sand must fill these spots?

12 **A.** Yes.

13 **Q.** And would you mind reading what those spots are
14 (indicating).

15 **A.** Sure.

16 [Reading]:

17 Five-star, Chief Enforcer, Orchestration -- Orchestrator,
18 Disciplinarian.

19 Four-star, Captain Enforcer, Verbal Disciplinarian.

20 Three-star, Lieutenant Enforcer, Physical Disciplinarian.

21 Universal Treasurer, the Buck, something.

22 And Universal Collector, Collect Dues from All Hoods.

23 **Q.** And then I want to direct your attention to a little
24 farther down where it says [Reading]: Are there any more
25 sisters, and do they have a different lineup?

~~FISHER - DIRECT~~

1 Would you mind reading that for us (indicating).

2 **A.** Sure. [Reading]: Are there any sisters, and do they have
3 a different lineup? After the events of 5/9 of '13, when one
4 of the sisters initiated [sic] and the matriarch, GBO, didn't
5 rectify it, that the lineup was destroyed. There will never be
6 a sister lineup again. Females/mobbstresses now only
7 required [sic] as such when they are the wives of the mobsters
8 and wives of others are sisters.

9 **Q.** Can you try that word one more time, this one
10 (indicating).

11 **A.** Is it "initiated"?

12 **Q.** It's okay.

13 **A.** "Snitched"?

14 **Q.** All right. Skipping down here [reading]: Are dues
15 mandatory each week?

16 Can you read that for me.

17 **A.** Yes. [Reading]: The boss of finance will formulate the
18 plan that all mobsters will/must follow.

19 **Q.** And actually, would you mind just finishing that section
20 (indicating).

21 **A.** [Reading]: Dues must be paid in order for us to grow,
22 which includes financing the upliftment of our family behind
23 the G-wall.

24 **Q.** All right. I'm going to skip to Page 5.

25 Do you see down here where it says [reading]: Spit the

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1 2 M's?

2 A. Yes.

3 Q. And would you mind reading this section for me
4 (indicating).

5 A. [Reading]: This means the person must say the first two
6 lines of the Omertà code. The person telling them to spit must
7 end the conversation with the last two lines of the
8 Omertà code.

9 Q. All right. Did I have you read every single word of that
10 exhibit?

11 A. No.

12 Q. I'm going to approach and show you Government's
13 Exhibit F-7. (Handing).

14 And let me know, when you've had a chance to open it, if
15 you could tell us what it is.

16 A. It's a black holster that was also recovered inside of
17 Princely Way when we served the search warrant.

18 Q. And I'm going to show you Government's Exhibit FS -- F --
19 whoa, F-7-A.

20 And what are we looking at there?

21 A. It's a photograph of the holster.

22 Q. And I'm going to approach and show you
23 Government's Exhibit GP-4. (Handing).

24 And can you tell us what's in that bag.

25 A. It's the paperwork collected from the house, the stuff you

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1 just had me read.

2 Q. And does it also include some photographs?

3 A. It does.

4 Q. While you were executing the search warrant,
5 Detective Fisher, did anyone else show up at the house?

6 A. Yes. At one point in the evening, we found Dante Bailey
7 standing outside of the residence down the street.

8 Q. And did he identify himself as a resident there?

9 A. He did, yes.

10 Q. And was Dante Bailey placed under arrest after the
11 execution of the search warrant?

12 A. Yes, he was.

13 Q. Was Mr. Greer also placed under arrest?

14 A. Yes. They were seated together inside the -- in the
15 living room of the house.

16 Q. And did you overhear any conversation between Dante Bailey
17 and Jay Greer when they were arrested?

18 A. I did. At one point we were sitting in the living room
19 before we left the location, and Dante Bailey was visibly
20 agitated. And he said to Jay Greer something to the effect of,
21 Somebody better take these charges or somebody better take
22 these guns.

23 And he looked right at Jay Greer. And I remember it
24 clearly because Jay Greer just kind of looked away and didn't
25 want anything to do with it. Didn't say a word. Looked

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visibly scared.

Q. Now, after Dante Bailey was arrested, did you listen to any wire calls that were pertinent to his arrest?

A. I did, yes.

Q. I'm going to play you Call No. D-614, which is at Page 343 of the binders.

And I believe you mentioned that the search warrant that was executed at Dante Bailey's residence was on July 3rd of 2015; is that right?

A. Correct.

Q. And can you read the date of this call.

A. This is July 4th of 2015.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Do you recognize the voices on that call?

A. Yes. It was Adrian Spence and Jamal Lockley.

Q. Did you listen to any wire calls pertinent to the payment of Dante Bailey's bail?

A. Yes.

Q. I'm going to play you now Call No. B-2406, which is at Page 305.

And can you start by reading the date of this call.

A. Sure. The date is July 6th of 2015.

(Audio was played but not reported.)

BY MS. HOFFMAN:

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1 Q. Did you recognize the voices of the people on that call?

2 A. Yes. It was Adrian Spence and Tiffany Bailey.

3 Q. And can you remind us who Tiffany Bailey is.

4 A. It's Dante Bailey's wife.

5 Q. I'm going to play you now Call D-645, which is at Page 345
6 of the binders.

7 And can you tell us the date and time of this call.

8 A. Sure. It's July 6th of 2015.

9 Q. So is this shortly after the last call we listened to?

10 A. Correct.

11 (Audio was played but not reported.)

12 **BY MS. HOFFMAN:**

13 Q. I'm going to play another call. This is B-2429, and this
14 is at Page 307.

15 And can you read the date and time of this call.

16 A. July 6th of 2015 at 2:57 p.m.

17 Q. Was this a little bit after the last call we listened to?

18 A. Correct.

19 (Audio was played but not reported.)

20 **BY MS. HOFFMAN:**

21 Q. Did you hear Mr. Spence -- well, first of all, I should
22 ask you: Did you recognize the voices in that call?

23 A. Yes. It was Tiffany Bailey and Adrian Spence.

24 Q. And did you hear Mr. Spence say, "I already paid"?

25 A. Yes.

~~FISHER - DIRECT~~

1 Q. Was Dante Bailey released on bail from the
2 Baltimore County Detention Center after these calls?

3 A. Yes.

4 Q. And did you listen to additional wire calls involving
5 Bailey after his release?

6 A. Yes.

7 Q. I'm going to play you Call B-2535. And this one's at
8 Page 311.

9 Can you read the date and time of this call.

10 A. Sure. This was July 7th of 2015, and the start time was
11 12:20 p.m.

12 (Audio was played but not reported.)

13 **BY MS. HOFFMAN:**

14 Q. Detective Fisher, did you recognize the voices in that
15 call?

16 A. I did, yes.

17 Q. Who was talking?

18 A. It was Adrian Spence, Tiffany Bailey, and Dante Bailey.

19 Q. Did you hear when Mr. Spence said, "Something ain't right.
20 Like, somebody might be trying to set me up or something"?

21 A. Yes.

22 Q. And did you hear when Dante Bailey said, "All right. So,
23 what, you trying to turn it up or something?"

24 A. Yes.

25 Q. Did you hear when he said, "Naw. Like I was saying, we

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1 need to turn it up"?

2 **A.** Yes.

3 **Q.** I'm going to play another call. This is Call D-782, and
4 I'm going to need help with this one.

5 I apologize. It's at Page 363.

6 Would you mind reading the date and time of this call.

7 **A.** It's July 12th, 2015, and the time is 12:39 p.m.

8 (Audio was played but not reported.)

9 **BY MS. HOFFMAN:**

10 **Q.** Detective Fisher, did you recognize the voices in that
11 call?

12 **A.** I did, yes.

13 **Q.** And who is it?

14 **A.** Adrian Spence and Jamal Lockley.

15 **Q.** Did you hear when Jamal Lockley referred to Fat Back?

16 **A.** Yes.

17 **Q.** And do you recall listening to a call a few minutes ago
18 when Fat Back was also referenced?

19 **A.** Yes.

20 **Q.** And was that right after Dante Bailey had been arrested?

21 **A.** Correct.

22 **Q.** Did you hear when Mr. Lockley said, "I think they got
23 pulled over"?

24 **A.** Yes.

25 **Q.** And did you hear when Mr. Lockley said, "Yeah, for a

~~FISHER - DIRECT~~

1 ratchet"?

2 **A.** Yes.

3 **Q.** Did you hear when Mr. Lockley referred to Rick?

4 **A.** Yes.

5 **Q.** Did you hear when Mr. Lockley said, "Rick came up there,
6 posted up at the store and all that. Police came right with
7 him, though"?

8 **A.** Yes.

9 **Q.** I want to direct your attention to July 31st of 2015.

10 Did you assist with the execution of a search warrant on
11 that day?

12 **A.** Yes.

13 **Q.** And who was the -- who was the person whose residence was
14 searched?

15 **A.** That was Kenneth Torry's residence.

16 **Q.** I'm going to show you Government's Exhibit IND-91.

17 And who is that?

18 **A.** That's Kenneth Torry.

19 **Q.** And how did Kenneth Torry come up in your investigation?

20 **A.** We had intercepted -- I'm sorry.

21 It was through jail calls. Dante Bailey had made
22 jail calls to a phone number which we had investigated and
23 found out to be Kenneth Torry.

24 **Q.** And as a result of those calls, did you apply for a
25 search warrant at Mr. Torry's residence?

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1 **A.** I did, yes.

2 **Q.** And where did he reside?

3 **A.** I believe it was 21 Samantha Court in Owings Mills,
4 Maryland.

5 **Q.** Now, you testified that the warrant was executed on
6 July 31st of 2015; is that right?

7 **A.** Correct.

8 **Q.** And was Mr. Torry inside the residence?

9 **A.** He was in the residence, yes.

10 **Q.** And what, if anything, did you recover from the residence?

11 **A.** Inside the residence, we recovered, I believe,
12 cell phones, some marijuana, and then paperwork related to the
13 investigation. And then in the vehicle in front of the
14 residence, we located a handgun, a firearm.

15 **Q.** And I'm going to first approach and show you
16 Government's Exhibit CELL-14. (Handing.)

17 And can you tell us what that is.

18 **A.** It's a Samsung cell phone.

19 **Q.** And was that one of the cell phones recovered from
20 Mr. Torry's residence?

21 **A.** Yes.

22 **Q.** Now, you mentioned that you also recovered a gun from a
23 vehicle outside?

24 **A.** Correct.

25 **Q.** I'm going to approach and show you Government's

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1 Exhibit F-12. (Handing).

2 What do you have in front of you?

3 A. It's a 9-millimeter handgun.

4 Q. And is this the gun that was recovered from the vehicle
5 outside Mr. Torry's residence?

6 A. Correct.

7 Q. I'm going to show you Government's Exhibit F-12A.

8 And what are we looking at here?

9 A. It's a photograph of that firearm.

10 Q. Now, you testified that cell phones were recovered from
11 Mr. Torry's residence. Did you later transfer the cell phones
12 to ATF so that a search warrant could be conducted?

13 A. I did, yes.

14 Q. And I'm going to show you Government's Exhibit CELL-14-A,
15 which has been identified as excerpts from the certified
16 extraction report for Government's Exhibit CELL-14, which you
17 just identified as a cell phone recovered from Mr. Torry's
18 residence.

19 Now, I want to start by directing your attention to the
20 contacts section here.

21 Was there a person named Bill who came up in your
22 investigation?

23 A. Yeah. Bill was William Jones.

24 Q. And was there a person named Cream or Creams who came up
25 in your investigation?

~~FISHER - DIRECT~~

1 **A.** Cream was Shakeen Davis.

2 **Q.** Was there a person named Gutta who came up in your
3 investigation?

4 **A.** Gutta was Dante Bailey.

5 **Q.** Was there a person named Huggie who came up in your
6 investigation?

7 **A.** That was Dwight Jenkins. He went by Unc or Huggie.

8 **Q.** What about Jakey?

9 **A.** I believe that was Jacob Bowling.

10 **Q.** Would you mind actually reading the phone number for Cream
11 here?

12 **A.** Sure. Cream was (443) 714-0982.

13 **Q.** Do you see how there's another phone number for "Cream"
14 spelled a different way?

15 **A.** Yes.

16 **Q.** Right here, can you read that phone number.

17 **A.** (240) 713-0332.

18 **Q.** Then do you see how there's a few phone numbers for Mal
19 here?

20 **A.** Yes.

21 **Q.** Is there a Mal who came up in your investigation?

22 **A.** Yes. That was Jamal Smith.

23 **Q.** Was there a Tiffany who came up in your investigation?

24 **A.** Yes. Tiffany Bailey.

25 **Q.** Is there a Trouble who came up in your investigation?

~~FISHER - DIRECT~~

1 **A.** Yes, and I just can't remember his name offhand.

2 **Q.** And I believe you already said this, but was there an Unc
3 who came up in your investigation?

4 **A.** Yes. That was Dwight Jenkins.

5 **Q.** And then -- I'm sorry. Was there a T-Roy who came up in
6 your investigation?

7 **A.** Yes. That was Jamal -- I'm sorry. It slipped my mind.

8 **Q.** That's okay.

9 I believe you testified earlier that Jamal Lockley went by
10 T-Roy?

11 **A.** Lockley. Sorry. Yes.

12 **Q.** I want to direct your attention to where it says "Selected
13 SMS and MMS Messages," and I'm going to go down to the next
14 page.

15 Do you see that there's a text message here from a number
16 listed as Spook?

17 **A.** Yes.

18 **Q.** And can you read the date of the text message.

19 **A.** Sure. That date is November 27th of 2014. And that
20 text message says [reading]: Yo, got one comin' down. How
21 long you going to be?

22 **Q.** Scroll down to the next page.

23 Do you see that there's a number of SMS messages exchanged
24 with Syd on this page?

25 **A.** Yes.

~~FISHER - DIRECT~~

1 Q. Can you read the text of this message where it says
2 [reading]: Sender: Syd.

3 A. Sure. The date was December 22nd of 2014, and the text
4 reads [reading]: The other one want three and a half.

5 Q. And then can you read the text of the text message sent to
6 Syd.

7 A. Sure. That one the text is [reading]: Ard all Gs or one
8 bag?

9 Q. Can you read the text from Syd.

10 A. [Reading]: All Gs.

11 Q. Now, would you mind reading the text of the rest of these
12 text messages here.

13 A. Sure.

14 [Reading]:

15 Bet.

16 Already.

17 How long whoa.

18 3-piece Ray be here.

19 You still out?

20 Yeah.

21 How far?

22 Village.

23 You got a 2-piece?

24 Yeah.

25 And I'm on Carleview off FP.

~~FISHER - DIRECT~~

1 Q. Directing your attention to the top of the screen of the
2 next page, do you see that there are text messages exchanged
3 with Spook again?

4 A. Yes.

5 Q. Can you read the date of those.

6 A. Sure. That's December 25th of 2014.

7 Q. Can you read the text of those messages.

8 A. First one reads [reading]: That's a 5-piece, dummy. A
9 little over, but you good. Merry Christmas.

10 And the second message says [reading]: Ard, same to you.

11 Q. Do you see that there are a number of text messages
12 exchanged with a phone number with the name Reese here?

13 A. Yes.

14 Q. And can you read the date of these text messages.

15 A. Sure. That is January 18th of 2015.

16 Q. And would you mind reading the text of these
17 text messages.

18 A. Sure.

19 [Reading]:

20 Yo, still waiting on the D. Got a half of haze if you
21 want it. How much?

22 I'll do 150 for you. I only got one of them left.

23 Yeah, I want it.

24 Ard, give me a few.

25 Okay.

~~FISHER - DIRECT~~

1 Q. And then you see that there are text messages exchanged
2 with Spook again here?

3 A. Yes.

4 Q. And can you tell me the date of these two text messages.

5 A. The date is January 23rd of 2015.

6 Q. And can you read the text of those.

7 A. Sure.

8 [Reading]: Waitin' on a couple plays, dummy. I'ma hit
9 you in a little bit.

10 [Reading]: Yo, I need what you got. Yo, you killing me
11 for real, man. Tired of explaining myself to you, shorty, and
12 I'm doing you a favor. I don't need the hassle yo over little
13 ass bit of grams. Starting to feel like you playing with me.

14 Q. And do you see this text message received, it says

15 [reading]: Recipient, Spook, on January 28th of 2015 on the
16 next page?

17 A. Yes.

18 Q. And can you read the text of that.

19 A. [Reading]: You got dem 5? Need you dummy.

20 Q. See that there's a series of text messages down below here
21 exchanged with a number saved as Nutty or associated with
22 Nutty?

23 A. Yes.

24 Q. And what's the date of those text messages?

25 A. January 30th of 2015.

~~FISHER - DIRECT~~

1 Q. And would you mind reading the text of these.

2 A. Sure.

3 [Reading]:

4 Yo, I'm ready when you are.

5 I'm ready. It's 25 and a half.

6 Damn, that's a lot. Can you split with me. Trying keep
7 it 100. Wanna do something 'cause feel bad. Now yo ducking
8 SMH.

9 Yo I sold half. What's up?

10 On way out now.

11 Q. And at the top of the next page, do you see that there are
12 additional text messages exchanged with Spook?

13 A. Yes.

14 Q. And what's the date of these text messages?

15 A. February 15th of 2015.

16 Q. And would you mind reading the text of these.

17 A. Sure.

18 [Reading]:

19 Waiting on him to hit me.

20 I got five, but I'm about to dip in a minute. You trying
21 to get any?

22 Bring me them five.

23 Ard.

24 Q. And then do you see that there is a text message sent to
25 and received from Syd here?

~~FISHER - DIRECT~~

1 A. Yes.

2 Q. And what's the date of this text exchange?

3 A. It's February 20th of 2015.

4 Q. Can you read the text of these text messages.

5 A. Sure.

6 The first one is [reading]: Yo.

7 Then [reading]: I'm trying to grab a 10-piece not put
8 together.

9 Q. Do you see that there are additional text messages
10 exchanged with Spook down below?

11 A. Yes.

12 Q. And what's the date of these text messages?

13 A. February 28th of 2015.

14 Q. And can you read the text of these.

15 A. Sure.

16 [Reading]:

17 Yo, you holding me up.

18 At the tag spot. I got money for 5. Still got 4, but
19 they ready be gone now.

20 Yo was 11. You holding me up, yo. Gotta move now. Give
21 me what you got.

22 Yo, you gotta grab two days. I can't be on your time.
23 Coulda sold them 20 times. Don't wanna fuck our little
24 friendship up, yo. Bad business.

25 Q. And could you read this text message where it says,

~~FISHER - DIRECT~~

1 "Sender, Spook," on March 19th. Could you read the text of
2 that one.

3 **A.** Sure.

4 [Reading]: Round Dickey Hill. I got four left and a nice
5 play comin' down. Where you at, dummy?

6 **Q.** Can you read the text of this April 4th, 2015 text message
7 received by Spook.

8 **A.** Sure.

9 It says [reading]: Dummy, you need to take one to Unc in
10 fountain for me. Got you. No car. Please, dummy.

11 **Q.** And do you see that there are text messages exchanged with
12 D. Uncle?

13 **A.** Yes.

14 **Q.** And can you read the text of these three text messages on
15 April 21st of 2015.

16 **A.** Sure.

17 [Reading]:

18 .38 revolver.

19 For what.

20 Two Gs.

21 **Q.** And do you see that there are text messages exchanged with
22 this T-Roy or Troy here?

23 **A.** Yes.

24 **Q.** And could you read the text of the text messages from
25 May 4th of 2015.

~~FISHER - DIRECT~~

1 **A.** Sure.

2 [Reading]:

3 Yo.

4 Ain't out yet, yo.

5 Ard, about what time you got a vick?

6 'Bout 11, yeah.

7 Oh, okay. I'ma hit you then.

8 Ard.

9 **Q.** Isn't there a number of text messages with Cream here?

10 **A.** Yes.

11 **Q.** And would you mind reading the text of these messages from
12 June 7th and June 8th of 2015.

13 **A.** Sure.

14 [Reading]:

15 Yo, yo.

16 Need a [sic] baby, wya.

17 Ain't forgot you, homie. Going to eat at 6.

18 Got a 10-piece need to go. You want it? I got you later.

19 **Q.** And do you see that there are a number of text messages
20 exchanged with Gutta here?

21 **A.** Yes.

22 **Q.** And can you read the text of the messages from June 9th of
23 2015.

24 **A.** [Reading]:

25 Yo, switched my main phone number. (443) 415-9423. This

~~FISHER - DIRECT~~

1 Kenny, yo.

2 Ard.

3 Q. I'm sorry. Just to be clear, is that one sent to Gutta?

4 A. Correct.

5 Q. And, sorry. Can you keep going.

6 A. Yep. The next one is [reading]:

7 Ard.

8 Bro, still waiting [sic]. Be to you bu noon.

9 Bro, running a little late.

10 Q. And would you mind reading these continued texts from
11 June 10th of 2015 with Gutta.

12 A. [Reading]:

13 Good morning, Bro.

14 You already?

15 You good? I will be in ta butt about these pills today.

16 Okay. Yeah. I'm good, Big Bro.

17 Q. And that last text message, "Okay. I'm good, Big bro," is
18 that sent to Gutta?

19 A. Correct.

20 Q. I direct your attention here to these text messages with
21 Cream. And can you read the text of the messages from, it
22 looks like, June 10th of 2015 through June 12th of 2015.

23 A. Sure.

24 [Reading]:

25 Yo, I got 20 for you 'cause I'm at the end. How long you

~~FISHER - DIRECT~~

1 need?

2 Yo, can you help with this last 100.

3 Yeah.

4 Gotta be E yo tonight. See what you think. Will be gone
5 today and I got for you.

6 Yo.

7 Got them when you ready, homie.

8 **Q.** And do you see these text messages exchanged with Gutta on
9 June 12th of 2015?

10 **A.** Yes.

11 **Q.** And can you read, first, the text message sent to Gutta,
12 the first one here (indicating).

13 **A.** [Reading]: Good afternoon bro. How you? Big Homie say
14 what day you be ready?

15 **Q.** And then can you read the text messages sent from Gutta.

16 **A.** [Reading]:

17 It's scorching. He can get his hundon back until it cool
18 down. When?

19 I'm done. I will take you to see the president.

20 **Q.** And would you mind reading the text of this June 12th,
21 2015 message to Gutta.

22 **A.** [Reading]: Okay. I was just relaying the message. It's
23 hot up there now.

24 **Q.** Would you mind reading the text of this June 17th, 2015
25 text message from Gutta.

~~FISHER - DIRECT~~

1 **A.** [Reading]: 3903 Princely Way, Pikesville, MD, 21207.

2 **Q.** And actually, would you mind reading that one, too.

3 **A.** 212208 [sic].

4 **Q.** Would you read for me the text of these text messages
5 exchanged with Gutta on June 18th of 2015.

6 **A.** Sure.

7 [Reading]:

8 Bro, I'ma go holla at you at 6. Trying to give him
9 something to hold him off.

10 Ard.

11 What's Bino number, bro. WYA?

12 And then the text is of a -- looks like a contact
13 information for Bino at (443) 273-4466.

14 **Q.** And is the contact information for Bino M's, is that from
15 Gutta?

16 **A.** Yes, from Gutta.

17 **Q.** Can you read the text of these -- whoops. I'm sorry.

18 Can you read the text of this first message from June 22nd
19 of 2015 to Gutta.

20 **A.** Sure.

21 [Reading]: 'Bout to go get with bro. Let you know
22 something soon. Did you get that change from Bino?

23 **Q.** And then can you read this text from June 23rd of 2015 to
24 Cream.

25 **A.** [Reading]: Yo got something different.

~~FISHER - DIRECT~~

1 Q. Do you see that there are a number of messages exchanged
2 with a number associated with BB here?

3 A. Yes.

4 Q. And would you mind reading the text of this June 29th
5 message sent to BB.

6 A. [Reading]: As far as the other 150 hittas are working it,
7 that's why I told you 150. That batch wasn't good.

8 Q. Can you read this text message from BB.

9 A. [Reading]: Bro, I that dark work was not the work I
10 passed to you. I have to send that back.

11 Q. And can you read this text message from BB.

12 A. [Reading]: If you can work with the 150 you kept, I do
13 have about 150 of that left.

14 Q. Can you read this text, June 29th, 2015 text message from
15 BB.

16 A. [Reading]: That dark work you sent me was not the work I
17 gave you. I [sic] don't look or smell like the rest. Plus
18 it's just that dark morphine mixed in it.

19 Q. And can you read the remainder of these text messages
20 exchanged with BB.

21 A. Sure.

22 [Reading]:

23 Did you give him some really dark work?

24 All the shit is the same. The brown shit is inside of all
25 of this shit. Soon as the heat gets near it, it does that.

~~FISHER - DIRECT~~

1 All the work had dark spots because those are spray spots,
2 not the whole thing.

3 All you have to do is get it tested. Have I ever played
4 with you before?

5 Naw, and that's why I always find a way to make sure I
6 look out for my little bro.

7 How can we dry this work out better to make it crunchy.

8 Already. On some real shit, the work is cool. It can get
9 off if it was dry. I tried everything. Sitting it in rice
10 made it brown. Whatever is in it is not co-existing with the
11 heroin.

12 I know I have tried everything with this type of work. I
13 have one more trick. I am going to leave it dry through the
14 whole process to see if I can make it cr.

15 Unchy. I have about 150 left of the work you kept. Do
16 you want that?

17 **Q.** Now, you testified earlier that you have a number of years
18 of experience in the narcotics section.

19 Can you tell me, is heroin sometimes mixed with morphine?

20 **A.** Yes.

21 **Q.** Do you see these messages at the top of the next page
22 exchanged? Some are with Cream, C-R-E-A-M, and some are with
23 Kreme, K-R-E-M-E?

24 **A.** Yes.

25 **Q.** And would you mind reading the text of these July 5th,

~~FISHER - DIRECT~~

2015 messages?

A. Sure.

[Reading]:

Okay. That's ir other number.

Okay. This Creams? Question mark.

Yeah.

Ard, bro.

Q. And the text message that says, "Okay, this Creams?" is that sent to Kreme?

A. Yes. Kreme is the recipient.

Q. And then the response, "Yeah," is that sent by Kreme?

A. Correct.

Q. Can you read this July 6th of 2015 -- can you read the text of the messages exchanged on July 6th of 2015 with Kreme.

A. Sure.

[Reading]:

Yo.

Yo.

How it look out there?

It's like 10 left. They sayin' they don't like it.

Ard. I'm about to come out. Grab back if you ain't done.

Wanna give back.

Yeah, if I still have them.

Q. And can you read the text of these July 7th, 2015 text messages with Kreme.

~~FISHER - DIRECT~~

1 **A.** [Reading]:

2 Bro, I need to see you before 6 so I can grab the new.

3 Don't matter what you have left.

4 Ard.

5 When you think I can grab from you, bro?

6 **Q.** Can you read the text of these July 22nd of 2015

7 text messages with Kreme.

8 **A.** [Reading]:

9 Yo, you good. I'm trying to get yo out the way.

10 You can come get that.

11 Ard. Hit you when I come out. You still got them? Just
12 checking.

13 Yo, you coulda kept that. You know that, right.

14 **Q.** Detective Fisher, did you put together these excerpts from
15 this phone?

16 **A.** No.

17 **Q.** And these are excerpts from the cell phone that you
18 recovered from Mr. Torry's residence?

19 **A.** Correct.

20 **Q.** And does this include every single text message and call
21 that was in the phone that was recovered from Mr. Torry's
22 residence?

23 **A.** No.

24 **Q.** Is it a representative sample of the text messages from
25 that phone?

~~FISHER - CROSS~~

1 **A.** Yes.

2 **MS. HOFFMAN:** I have no further questions.

3 **THE COURT:** All right. This might be a good time for
4 the mid-afternoon recess.

5 We'll excuse the jury.

6 (Jury left the courtroom at 3:17 p.m.)

7 **THE COURT:** And we'll excuse the gallery.

8 All right. We'll take a recess.

9 (Recess taken.)

10 **THE COURT:** All right. We're ready for the jury.

11 (Jury entered the courtroom at 3:41 p.m.)

12 **THE CLERK:** Detective Fisher, you're still under oath.

13 **THE WITNESS:** Thank you, ma'am.

14 **THE COURT:** All right. Ms. Whalen.

15 **MS. WHALEN:** Thank you, Your Honor.

16 CROSS-EXAMINATION

17 **BY MS. WHALEN:**

18 **Q.** Good afternoon, Detective.

19 **A.** Good afternoon, ma'am.

20 **Q.** The wiretaps that you told us about, that was on
21 Adrian Spence's phone?

22 **A.** That's correct.

23 **Q.** Okay. Dante Bailey, any phone that you thought was
24 associated with him was not tapped; is that correct?

25 **A.** That's correct.

~~FISHER - CROSS~~

1 Q. And we saw at least on one and perhaps two of the
2 cell phone extractions that Dante Bailey -- or the phone where
3 it said "Gutta" and the like, sent to those individuals his
4 address, 3901 Princely Way; right?

5 A. Correct.

6 Q. And that was, indeed, you know, his real address; right?

7 A. Correct.

8 Q. And there were -- did you say thousands of calls that you
9 listened to on the Spence wiretaps?

10 A. Yes. I don't know the exact number, but I listened to as
11 many as I could.

12 Q. And how many or for how long a period of time were you
13 intercepting these phone calls?

14 A. I believe it was approximately two months.

15 Q. And just so it's clear, for approximately two months,
16 you're able to capture every single connection that Spence's
17 phone makes; is that correct?

18 A. For that wiretap, we were dealing with T-Mobile. At that
19 time a lot of -- with the way T-Mobile was running their
20 network, there were possibly some that we missed. So I can't
21 say for sure we captured every one.

22 Q. The goal is --

23 A. There were issues with the phone.

24 Q. Excuse me.

25 The goal is to try to get what you can; right?

~~FISHER - CROSS~~

1 A. Correct.

2 Q. Okay. And as many as you can; right?

3 A. Correct.

4 Q. Now, let's go to July 3rd, and this is now 2015 when you
5 assist in the search warrant of the Princely Way residence;
6 okay?

7 A. Okay.

8 Q. Now, that neighborhood is a one way in, one way out; is
9 that correct?

10 A. Two ways, I believe, there. You can come in to the right
11 and to the left of Princely Way. There's two -- two entrances
12 to that neighborhood.

13 Q. And when you come up in front of the houses there, do you
14 have to turn around or is it a go-through?

15 A. You can go through.

16 Q. Okay.

17 A. I'm not sure of the street names, but you can -- it's sort
18 of a U. And then those streets are kind of like ladders in
19 that U that you would see.

20 Q. I see. And so you would have to kind of maneuver your way
21 out --

22 A. Correct.

23 Q. -- is that correct?

24 All right. Now, when you were standing by -- first of
25 all, Mr. Bailey was not there at first; right?

~~FISHER - CROSS~~

1 **A.** Correct.

2 **Q.** And you hear a commotion or you hear --

3 **A.** I heard.

4 **Q.** -- someone?

5 **A.** It could have been a TV at that point. I heard voices
6 upstairs. There was an open upstairs window, and I heard
7 voices.

8 **Q.** All right. And so then you went to the door and knocked
9 and heard running; is that right?

10 **A.** Correct. I heard, "Who is it?"

11 I identified myself as police, and then I heard the
12 running, yes.

13 **Q.** And no one opened the door for you; right?

14 **A.** No.

15 **Q.** So you had to sort of break your way into the house?

16 **A.** Correct.

17 **Q.** And by doing that, what did you do?

18 **A.** We forced entry. I believe Dimitri Goodwin had brought a
19 ram along, so we forced entry into the location.

20 **Q.** And a "ram along" is a structure that you would use to
21 actually bang the door open?

22 **A.** Correct.

23 **Q.** And what's it made out of?

24 **A.** It's steel or aluminum. Yeah. Heavy.

25 **Q.** Designed to actually allow you to get into even a steel

~~FISHER - CROSS~~

1 door; right?

2 A. Correct.

3 Q. And so you were able to break open the door; right?

4 A. Correct.

5 Q. And did it bust a little bit or break a little bit the
6 molding around the door?

7 A. It's possible. I don't recall without looking at the
8 search warrant photographs.

9 Q. And you were making a lot of noise; right?

10 A. Correct. I -- we were yelling, "Police." We identified
11 ourselves as police; that's correct.

12 Q. Okay. Just to make sure that anybody inside knew exactly
13 who you were and didn't think it was a robbery or something;
14 right?

15 A. That is the standard thing I do, just because for that --
16 for that reason --

17 Q. Sure.

18 A. -- identify.

19 Q. And inside the house, was it a young man; right?

20 A. Correct.

21 Q. And then there was also Jay Greer in the basement; right?

22 A. Correct.

23 Q. But we saw the picture. It's like a townhouse?

24 A. Yes.

25 Q. And it's not very big, is it?

~~FISHER - CROSS~~

1 A. No.

2 Q. So the basement is not -- the basement door is not too far
3 from the front door, is it?

4 A. From what I recall, no.

5 Q. Okay. And so did you bring Mr. Greer upstairs?

6 A. Yes.

7 Q. And for a period of time, you're waiting, you said, on a
8 search warrant; right?

9 A. Correct.

10 Q. That means somebody else was going to a judge to get a
11 signature to actually be able to search that entire house;
12 right?

13 A. Correct.

14 Q. And how long a period of time did that take?

15 A. I don't recall the exact amount of time. A few hours,
16 maybe.

17 Q. So for a few hours, it's Jay Greer, the youngster, and you
18 and one other officer or were there more?

19 A. There were several detectives there.

20 Q. All right.

21 A. Yeah.

22 Q. They're kind of coming in and out?

23 A. Correct.

24 Q. And so Jay Greer, I assume, is handcuffed during that
25 period of time?

~~FISHER - CROSS~~

1 A. I don't recall. I believe so, but I don't recall.

2 Q. What was his age, do you know? I mean, he was an adult;
3 right?

4 A. Yes, he was an adult.

5 Q. All right. And did you make any determination as to
6 whether Jay Greer ran from the door or the other person ran
7 from the door?

8 A. I believe we located the juvenile upstairs. And the room
9 door was closed, and he was watching TV. And so I assumed it
10 was Jay Greer because he was the only occupant in the house.

11 Q. Okay.

12 A. And we had coverage on the back, so nobody ran out.

13 Q. All right. Now, during the time that Mr. Greer is in your
14 presence while you're waiting for the search warrant, he can
15 hear what you're saying with the other officers and detectives;
16 right?

17 A. Correct.

18 Q. Okay. And at some point you went out to the Mercury that
19 was outside; right?

20 A. Correct.

21 Q. And was that before or after you got permission from a
22 judge to search the house?

23 A. I don't recall the exact timeline. I think it was after
24 the search warrant was signed because Detective Griffin had
25 already been back to the location at that point.

~~FISHER - CROSS~~

1 Q. All right. And you were involved in searching the car;
2 right?

3 A. Correct.

4 Q. And the car -- the trunk was locked; right?

5 A. Correct.

6 Q. Okay. And in the trunk of the car is where you found the
7 weapons; right?

8 A. That's correct.

9 Q. And they were not .40-caliber weapons, were they?

10 A. No. I believe it was a .357 and a 9-millimeter.

11 Q. Okay. And that's different than a .40-caliber; right?

12 A. Correct.

13 Q. And from there you assisted others in searching the house;
14 correct?

15 A. Correct.

16 Q. And in the house, you didn't find heroin; right?

17 A. No.

18 Q. And you didn't find cocaine; right?

19 A. No.

20 Q. And there were no weapons in the house; right?

21 A. Correct.

22 Q. And I assume you did a very thorough job searching
23 Mr. Bailey's house; right?

24 A. Yeah. We did our best.

25 Q. Okay. Through every drawer in his bedroom; right?

~~FISHER - CROSS~~

1 **A.** Correct.

2 **Q.** Now, again, while all this searching is going on, first
3 out at the Mercury, the Chrysler, Mr. Greer is inside just
4 waiting for whatever's going to happen; right?

5 **A.** Correct.

6 **Q.** Okay. And you guys had radios on; right?

7 **A.** Yes.

8 **Q.** All right. And you're communicating with each other what
9 you find or you don't find; right?

10 **A.** Not over radios, we wouldn't be. I mean, sometimes we
11 did. We record what we find with the recording officer, so
12 there's people moving about the house, but --

13 **Q.** My question wasn't very artful. I apologize.

14 You did communicate with others that you found guns in the
15 trunk of a car; right?

16 **A.** I would -- yeah, that sounds reasonable, yes.

17 **Q.** Okay. I mean, it's important to let --

18 **A.** Correct.

19 **Q.** -- everybody know there's guns on the scene; right?

20 **A.** Correct.

21 **Q.** Okay. Now . . .

22 **MS. WHALEN:** Would the Court indulge me one moment on
23 that.

24 **THE COURT:** Sure.

25 **BY MS. WHALEN:**

~~FISHER - CROSS~~

1 Q. We listened to calls. And in one of the calls, you
2 remember that Tiffany Bailey was talking about bail for
3 Mr. Bailey.

4 A. Yes.

5 Q. And she mentioned something about 100,000.

6 Do you remember that?

7 A. Yes.

8 Q. And then there was a comment about \$1,000.

9 Do you remember that?

10 A. Correct.

11 Q. And you're familiar with how bail works in the court
12 system; right?

13 A. Correct.

14 Q. And oftentimes, it's a percentage of the total amount of
15 bail that actually has to be turned over to either a court or a
16 bail bondsman; is that right?

17 A. Correct.

18 Q. And a thousand dollars would be --

19 A. 1 percent.

20 Q. Of 100,000? It would be 1 percent?

21 A. 1 percent of 100,000.

22 Q. Okay. Now, you also went through some paperwork with the
23 Assistant United States Attorney that was found in the basement
24 of the house; right?

25 A. Correct.

~~FISHER - CROSS~~

1 Q. I'm going to show you the very last page of that document;
2 and that is, for the record, GP-4-A.

3 Now, I think you read some portions of the other pages.
4 You don't recall reading this page, do you?

5 A. I don't, no.

6 Q. "667 Values," do you see that at the very top?

7 A. Yes.

8 Q. And then underneath do you see [reading]: 6 Values [sic]
9 of a Mobbster"?

10 A. Correct.

11 Q. I'm just going to, in the interest of time, point out
12 there's love, loyalty, understanding; is that right?

13 A. Correct.

14 Q. Honesty, family, and respect; is that correct?

15 A. Correct.

16 Q. All right. And then below that, do you see the "6 Codes
17 of Conduct of a Mobbster"?

18 A. Yes.

19 Q. And there are, again, six points; right? Six --

20 A. Correct.

21 Q. There are six points?

22 A. Correct.

23 Q. Okay. If you would read for us -- well, read number 1
24 first.

25 A. Sure. Could you zoom in a little bit just so I get it

~~FISHER - CROSS~~

1 correct.

2 Q. Sure.

3 A. It's a little -- that should be good.

4 The first point would be [Reading]: Never let your
5 emotions overpower your intelligence.

6 Q. And two?

7 A. [Reading]: Mold your reputation in high -- hold your
8 reputation in high regard. Keep ya chin up and your chest.

9 I can't read that last word.

10 Q. Okay. Next one?

11 A. [Reading]: Always be presentable when out in public.

12 Q. And number 4?

13 A. [Reading]: Proper preparation prevents poor performance.

14 Q. And number 5?

15 A. [Reading]: In order to get respect, you have to give
16 respect.

17 Q. And, finally, number 6?

18 A. [Reading]: Always help the homeless and elderly.

19 Q. Page 2 of that document, I think you read some of that
20 page, but I'm going to ask you to focus on one line.

21 Do you see here "we have" (indicating)?

22 A. Yes.

23 Q. Oh, actually, before that, it's point nine.

24 A. Okay.

25 Q. [Reading]: Do we have any alliance?

~~FISHER - CROSS~~

1 Do you see that?

2 **A.** I do.

3 **Q.** All right. And would you read what the answer is.

4 **A.** [Reading]: We have none, but we are open to those who are
5 worthy.

6 **MS. WHALEN:** Would the Court indulge me just one more
7 minute.

8 I believe that's all I have.

9 Thank you, Your Honor.

10 **THE COURT:** All right. Thank you.

11 Let's see if anybody else . . .

12 Mr. Sardelli.

13 **MR. SARDELLI:** Thank you, Your Honor.

14 CROSS-EXAMINATION

15 **BY MR. SARDELLI:**

16 **Q.** Good afternoon, Detective.

17 **A.** Good afternoon.

18 **Q.** Previous defense counsel mentioned they call it bail;
19 correct?

20 **A.** Correct.

21 **Q.** That didn't discuss Randy Banks at all, correct, that
22 call?

23 **A.** Correct.

24 **Q.** And you had mentioned, I think, it was a two-month wire
25 and thousands of calls; correct?

~~FISHER - CROSS~~

1 **A.** That's correct.

2 **Q.** And in your testimony here today, none of those calls were
3 to or from Randy Banks; am I correct?

4 **A.** That I know of, that is correct.

5 **MR. SARDELLI:** All right. Thank you, sir.

6 **THE COURT:** Mr. Trainor.

7 **MR. TRAINOR:** Thank you, Your Honor.

8 CROSS-EXAMINATION

9 **BY MR. TRAINOR:**

10 **Q.** Good afternoon, Detective Fisher.

11 **A.** Good afternoon.

12 **Q.** You are a Baltimore County detective; correct?

13 **A.** Correct.

14 **Q.** So your investigation, the heart of it that you testified
15 about was June and July of 2015?

16 **A.** That is correct.

17 **Q.** And during that period of time, you had a wiretap up on
18 phones attributed to Adrian Spence?

19 **A.** Correct.

20 **Q.** And you didn't have a wiretap up for Jamal Lockley, did
21 you?

22 **A.** No, not on his phone number.

23 **Q.** All right. At the time that you got this wiretap order,
24 had you ever spoken to Jamal Lockley before that?

25 **A.** No, I don't believe we've ever had contact.

~~FISHER - CROSS~~

1 Q. And you've never had contact with him at all directly,
2 have you?

3 A. That's correct.

4 Q. So not before the wiretap and not after the wiretap?

5 A. Correct.

6 Q. All right. You say that during the course of your
7 investigation, you became familiar with Mr. Lockley's voice?

8 A. Correct.

9 Q. Was that familiar with the voice on the wiretap?

10 A. Yes.

11 Q. And that's the only voice you ever heard; right?

12 A. That's correct.

13 Q. But you had nothing to compare it to other than what was
14 on the wiretap; correct?

15 A. When it comes to voice, that's correct, yes.

16 Q. That's right.

17 So you formed an opinion based upon the wiretap recording
18 that the voice that you were hearing was that of Jamal Lockley?

19 A. No, that's not correct.

20 So during the wiretap investigation, how we -- how we try
21 to do things is once these calls come in -- we know
22 Adrian Spence's phone number, that we know. That's our
23 constant.

24 So as those numbers are calling in, we have to corroborate
25 the information on those numbers through subpoenas to phone

~~FISHER - CROSS~~

1 companies, through surveillance to corroborate the calls,
2 through GPS phone pings like that. So I just don't hear a
3 voice and say, I know that's Jamal Lockley.

4 I corroborate it with surveillance, surveillance of -- say
5 if we have a call and I don't know the exact dates and times of
6 the surveillances, but I'm sure his indictment has how we
7 identified him. So it's not just I hear the voice and I know
8 it's Jamal Lockley. It's a process. It's cell phone work --

9 Q. All right. So what is your recollection of how you
10 identified his voice?

11 A. If -- it's stated out in the Baltimore County indictment.
12 I don't have that on me now. If you provide me a copy, I would
13 know exactly. I don't recall those events of how we got --
14 there were so many indictments and so many people that were
15 identified. We have a clear record of it that we typed up in
16 the indictment. I just don't recall at this point to be able
17 to tell you how we did that, but it's documented.

18 Q. Well, did you make a record of what phone numbers you were
19 picking up for the person you identified as Mr. Lockley's
20 voice?

21 A. Yes.

22 Q. All right. And do you know what those are?

23 A. I don't recall them off the top of my head, no.

24 Q. Now, I noticed during your direct testimony, you were
25 shown some documents. For example, the call log or, excuse me,

~~FISHER - CROSS~~

1 the contact information from Kenneth Torry's phone. I think it
2 was CELL-14-A.

3 A. I believe that's correct, yes.

4 Q. And it had a phone number attributed to either a Troy or a
5 T-Roy?

6 A. Correct.

7 Q. And that phone number was (443) 522 6457?

8 A. Without referencing it, I'll take your word for that.

9 Q. Yeah. But whatever that phone number was, was that the
10 phone number you picked up for Mr. Lockley during the wiretap?

11 A. If -- I'm not sure if I could refer to -- if you could
12 show me the call so I know the exact phone number. They
13 have -- I believe he had -- a lot of these guys had multiple
14 cell phones. So I don't know, without looking at the call,
15 what phone number was used or what was picked up --

16 Q. Well, you don't know that Mr. Lockley had multiple
17 cell phones.

18 A. I don't know. I'm just -- in general, a lot of times
19 people involved with illegal drug distribution have numerous
20 cell phones.

21 Q. All right. And so you identified voices, however you did
22 that. Did you conduct surveillance in realtime as you were
23 listening to -- as you were recording these calls?

24 A. Yeah, we had surveillance teams out there, so a lot of
25 times we would hear a buy was going down or a meet was going

~~FISHER - CROSS~~

1 down. We would try to actively surveil that. I don't know
2 exactly what those surveillances were. I'd have to refer to
3 the surveillance reports. But, yes, we did actively in
4 realtime surveil those transactions.

5 Q. So you did surveillance. You did wiretaps. You executed
6 search warrants on homes and automobiles.

7 A. Correct.

8 Q. Did you do controlled buys?

9 A. We did do some prior to the start of the wiretap, I
10 believe.

11 Q. All right. Now, during the time that you were doing this
12 investigation in June or July of 2015, did you seize any drugs
13 from Jamal Lockley?

14 A. I don't recall. I don't -- I'd have to look at the
15 reports. Again, we -- numerous wiretaps, I don't recall
16 offhand.

17 Q. You don't recall whether or not you did?

18 A. Correct.

19 Q. All right. Did you seize any firearms from Jamal Lockley?

20 A. I don't believe we did, no.

21 Q. All right. So you don't recall whether you seized any
22 drugs. You don't believe that you seized any firearms?

23 A. Correct. And perhaps by saying it was -- we locked up a
24 lot of people, did a lot of search warrants. There was a lot
25 of -- a lot of stops conducted during that time --

~~FISHER - CROSS~~

1 **THE COURT:** I think we should just -- if you would
2 just answer the question.

3 I think the answer is he doesn't recall.

4 **MR. TRAINOR:** Thank you.

5 **THE COURT:** Ms. Amato.

6 **MS. AMATO:** Yes. Thank you, Your Honor.

7 CROSS-EXAMINATION

8 **BY MS. AMATO:**

9 **Q.** Good afternoon, Detective.

10 **A.** Good afternoon.

11 **Q.** Now, as I understand it, you were -- you yourself were out
12 conducting surveillance of the BP gas station; correct?

13 **A.** I did numerous times, yes.

14 **Q.** Okay. And so based on your surveillance, you became
15 familiar with some of the people, the regular people that were
16 out there; correct?

17 **A.** That is correct.

18 **Q.** And so one of those individuals went by the name of C-Bo
19 that you observed; correct?

20 **A.** C-Bo or --

21 **Q.** C-Bo, yes?

22 **A.** I know there was a Bo.

23 **Q.** I'm sorry?

24 **A.** A Bo, I remember a Bo.

25 **Q.** Okay. You don't remember C-Bo?

~~FISHER - CROSS~~

1 **A.** Not -- no.

2 **Q.** Okay. Now, you were asked questions about
3 Government's Exhibit 12 -- I'm sorry, 16A.

4 And this pertained to the phone extractions of
5 Dominick Wedlock.

6 Do you remember asking -- being asked a question about
7 this on direct?

8 **A.** Yes.

9 **Q.** Okay. And you were asked to identify -- or to basically
10 read Bo Bruh -- Bruh Bo, excuse me, and highlight that you know
11 of a Bo; correct?

12 **A.** Correct.

13 **Q.** All right. Did you do anything or I should say: What did
14 you do to confirm that this number belonged to
15 Corloyd Anderson?

16 **A.** So in the beginning of the investigation, we had worked
17 with -- investigation along with Baltimore City.
18 Baltimore City had provided us with some names and information
19 of people involved in the group. And then through our own
20 surveillance as well as -- I'm pretty sure a phone number for
21 Corloyd Anderson came up on call detail records, and then that
22 call -- through database searches, it actually came back to his
23 name or we generated that name from.

24 I don't -- I'm sorry.

25 **Q.** Go ahead.

~~FISHER - CROSS~~

1 **A.** I just -- I don't recall the nickname, exactly where I got
2 the nickname from or where that was generated from.

3 **Q.** But you're saying that you actually were able to tie this
4 phone number to Mr. Anderson?

5 **A.** I don't know if it's that number exactly. I know there
6 was a phone number we were able to tie to.

7 **Q.** Okay. So as to this number, you don't know whose number
8 this Bruh Bo is for?

9 **A.** Correct.

10 **Q.** And you were asked several questions and we listened to
11 several phone calls and messages.

12 As to the Spence wiretap, there were no phone calls in
13 which a Corloyd Anderson was intercepted on; correct?

14 **A.** We were not able to identify it on any of the calls in.

15 **Q.** Say that again.

16 **A.** We were not able to identify him.

17 **Q.** Right. Okay.

18 **A.** Correct.

19 **Q.** So you did not identify him as someone who was speaking
20 with -- speaking with Spence on the wiretap?

21 **A.** Correct.

22 **MS. AMATO:** All right. No further questions,
23 Your Honor.

24 **THE COURT:** All right. Thank you.

25 Mr. Hazlehurst.

~~FISHER - CROSS~~

1 **MR. HAZLEHURST:** Thank you, Your Honor.

2 CROSS-EXAMINATION

3 **BY MR. HAZLEHURST:**

4 **Q.** Good afternoon, Detective.

5 **A.** Good afternoon.

6 **Q.** My name is Paul Hazlehurst. I represent Shakeen Davis,
7 sitting at the table there.

8 Toward the end of your questioning by Government counsel,
9 you were asked about a extract that had been taken from --
10 allegedly from the cell phone of Kenneth Torry.

11 Do you remember that?

12 **A.** Yes.

13 **Q.** And there were specific excerpts that were taken from that
14 that you were shown and you commented upon; correct?

15 **A.** Correct.

16 **Q.** Now, you didn't have anything to do with preparing the
17 extract; correct?

18 **A.** I did not prepare the extract; correct.

19 **Q.** And nor did you prepare the excerpt that you were
20 questioned about; correct?

21 **A.** Correct.

22 **Q.** Okay. And you may have seen that sometime before today;
23 but, again, it's not something that you had a hand in
24 preparing, and you were simply responding to questions about a
25 document that had previously been prepared before you came into

~~FISHER - CROSS~~

1 court?

2 A. Correct.

3 Q. Now, when you were shown this, there was at first a list
4 of contacts that were listed on the first page of what has been
5 referred to as Government's Exhibit CELL-14-A. I'm going to
6 show you that now.

7 Do you see that on the screen?

8 A. Yes.

9 Q. And there were two entries for the name Cream with two
10 different spellings; is that correct?

11 A. Correct.

12 Q. And one was for 443, looks like 714-0982?

13 A. Correct.

14 Q. And that was spelled C-R-E-A-M; correct?

15 A. Correct.

16 Q. The other one was for Kreme, spelled K-R-E-M-E. And that
17 had a telephone number listed of (240) 713-0332; correct?

18 A. Correct.

19 Q. Okay. Now, you just had a question a couple of seconds
20 ago from another attorney to talk about the ability to identify
21 a voice on a wire intercept; correct?

22 A. Correct.

23 Q. And there are no voices when it comes to text messages;
24 right?

25 A. Correct.

~~FISHER - CROSS~~

1 Q. So what you're doing is you're looking at a cell phone
2 number and potentially in association with a name, which is
3 included on this first page here; right?

4 A. Correct.

5 Q. And you're making an assumption that the person who is
6 listed as that contact number is the person who's sending the
7 text; right?

8 A. Correct.

9 Q. But you have no way of confirming that, in fact, that
10 person sent that text; correct?

11 A. Correct.

12 Q. So even for Kenneth Torry -- this was, again, supposedly
13 taken from his cell phone -- you're not sure whether
14 Kenneth Torry is the actual person who's sending any of the
15 texts; right?

16 A. Correct.

17 Q. And anyone listed as Cream, whether it be C-R-E-A-M or
18 K-R-E-M-E, you have no way of knowing whether that was
19 someone -- that someone was Shakeen Davis (indicating)?

20 A. Correct.

21 Q. Now, when you were shown this document, there was a chart,
22 essentially, for each text message; correct?

23 A. Correct.

24 Q. And I'm going to show you the second page of that exhibit.
25 Tell me if you can see that okay.

~~FISHER - CROSS~~

1 A. I can, yes.

2 Q. Okay. And there is a number in the far left column;
3 right?

4 A. Correct.

5 Q. And then there is the next column over says "sender";
6 correct?

7 A. Correct.

8 Q. Next column after that says "recipient"; correct?

9 A. Correct.

10 Q. Then there is a date and time in the next column?

11 A. Text.

12 Q. Well, after recipient, there's another column that says
13 "date and time."

14 A. Oh, correct, date and time.

15 Q. And then, finally, there is the substance of the text;
16 correct?

17 A. Correct.

18 Q. Okay. So just to be clear about this, the sender is
19 listing who supposedly sent that particular text message;
20 correct?

21 A. Correct.

22 Q. Okay. And, again, it's merely a reference to a telephone
23 number and a contact that was listed in that first page.

24 A. Correct.

25 Q. Now, I'm going to show you Page 9 of that exhibit.

~~FISHER - CROSS~~

1 Can you see that okay?

2 A. I can.

3 Q. Okay. And I'm -- you can see if -- and tell me if you
4 can't. There's some highlighting on the far left column. Do
5 you see the two yellow marks?

6 A. I do.

7 Q. Okay. One at 3812 and the last one at 3724.

8 A. Yes.

9 Q. And in that -- on that page it has four text messages
10 that, again, are addressed to the number (443) 714-0982, and it
11 has the name Cream associated with it; is that correct?

12 A. Correct.

13 Q. And that would indicate that four text messages were sent
14 to that number from the number associated with Kenneth Torry;
15 correct?

16 A. Correct.

17 Q. And there was absolutely no response from the number
18 associated with the name Cream; is that right?

19 A. That's correct.

20 Q. Okay. I'm going to show you Page 10 of that same exhibit.
21 Do you see that?

22 A. Yes.

23 Q. Okay. And, again, do you see there are two yellow
24 highlight marks on that page?

25 A. Correct.

~~FISHER - CROSS~~

1 Q. Okay. One beginning at 3537 and the last one at 3372?

2 A. Correct.

3 Q. And this shows a series of -- one, two, three, four,
4 five -- six texts; correct?

5 A. Correct.

6 Q. And five of those six texts are sent to the number
7 associated with Cream C-R-E-A-M, at (443) 714-0982; correct?

8 A. Correct.

9 Q. And the only response is at 3435, and I'm pointing to that
10 right now. And it's simply the one word "Y-E-A"; correct?

11 A. Correct.

12 Q. Okay. And that's it?

13 A. Yes.

14 Q. Now, I'm going to show you Page 13 of that same exhibit.
15 Again, there are two yellow highlight marks there.

16 Can you see those?

17 A. I can.

18 Q. Right on the one row that is marked 2429.

19 A. Correct.

20 Q. And there is one text message sent, again, to
21 (443) 714-0982, the number associated with Cream. And there is
22 no response from the number associated with Cream; is that
23 correct?

24 A. Correct.

25 Q. Now, I'm going to show you what's been marked as Page 14

~~FISHER - CROSS~~

1 of the exhibit, Exhibit 14, one yellow highlighting mark. And
2 that's the bottom of Page 14.

3 Do you see that?

4 **A.** Yes.

5 **Q.** Okay. Two text messages, one, again, to the number
6 (443) 714-0982, it simply says [reading]: You okay, homie?

7 Correct?

8 **A.** Correct.

9 **Q.** Response, again, to a different number, (240) 713-0332
10 [reading]: Yeah, I'm good. Yo.

11 That's it; correct?

12 **A.** Correct.

13 **Q.** Okay. Now, at the top -- I'm showing you Page 15 -- there
14 is another series of texts. Again, some to (443) 714-0982 with
15 the name Cream, C-R-E-A-M, and then one to (240) 713-0332 with
16 the name K-R-E-M-E, four texts -- or three texts to those
17 various numbers and one response; correct?

18 **A.** Could you -- I can't see. Could you slide it down so I
19 can see.

20 **Q.** I'm sorry.

21 **A.** Yep, there. Yes, that's correct.

22 **Q.** Okay. Now, after that there is a series of text messages,
23 these all going to (240) 713-0332, to the name Kreme,
24 K-R-E-M-E.

25 **A.** Correct.

~~FISHER - CROSS~~

1 Q. Do you see those?

2 A. Correct.

3 Q. Through 15.

4 A. Correct.

5 Q. Now, there is no reference in any of these text messages
6 back or forth to anything indicating any sort of quantity of
7 drugs, is there?

8 A. Just when he says it's like 10 left; that's all.

9 Q. It's like 10 left. Now, you can't tell whether that
10 refers to people, drugs, dogs, cats, whatever, can you?

11 A. No.

12 Q. I'm going to show you what is Page 16. Tell me if you can
13 see the whole document.

14 A. I can, yes.

15 Q. And, again, a series of text messages going back and forth
16 to (240) 713-0332 to the name K-R-E-M-E; right?

17 A. Correct.

18 Q. From the number that is associated with Kenneth Torry.
19 And, again, nothing here that refers to any quantity as to
20 drugs, does it?

21 A. No, not that I can see.

22 Q. And, finally, on Page 17, do you see the yellow
23 highlighting mark at the top of the page?

24 A. Yes.

25 Q. One text message sent to (240) 713-0332 to the name

~~FISHER - CROSS~~

1 K-R-E-M-E, again, nothing that refers to any quantity that
2 could be referring to drugs.

3 A. Not to quantity, no.

4 Q. Okay. Now, again, you're a police officer. You're with
5 the Baltimore County Police Department; correct?

6 A. Correct.

7 Q. You were with the Narcotics Unit during this period of
8 time?

9 A. Correct.

10 Q. During this period, 2014-2015, you were conducting an
11 investigation of this area; right?

12 A. Correct.

13 Q. And at your beck and call or at least resources within
14 your power, you had various investigative tools; correct?

15 A. Correct.

16 Q. You had the ability to conduct wiretaps; right?

17 A. Correct.

18 Q. And the wiretaps you conducted, Shakeen Davis didn't show
19 up on any of those wiretaps, did he?

20 A. Not that I could identify, no.

21 Q. Okay. You also had the ability, if you saw a hand-to-hand
22 or what you perceived to be a hand-to-hand transaction, to go
23 and make an arrest either of the person you thought was making
24 the sale or the person who had purchased the narcotics;
25 correct?

~~FISHER - REDIRECT~~

1 **A.** Correct.

2 **Q.** And you didn't arrest Shakeen Davis during that time, did
3 you?

4 **A.** No, not personally.

5 **Q.** So no drugs, no money, nothing that you believe that was
6 associated with a drug transaction was obtained from
7 Shakeen Davis during that period.

8 **A.** Not during my investigation that I recall.

9 **MR. HAZLEHURST:** I have no further questions,
10 Your Honor.

11 Thank you.

12 **THE COURT:** All right. Thank you.

13 Mr. Davis?

14 **MR. DAVIS:** No questions, Your Honor.

15 **THE COURT:** Okay. Any redirect?

16 **MS. HOFFMAN:** Just very briefly.

17 REDIRECT EXAMINATION

18 **BY MS. HOFFMAN:**

19 **Q.** Detective Fisher, you were asked about whether a wiretap
20 captures every single call by Ms. Whalen.

21 Do you remember that?

22 **A.** Yes.

23 **Q.** Does a wiretap capture FaceTime communications?

24 **A.** No, it does not.

25 **Q.** You were also asked about the guns that were recovered

~~FISHER - REDIRECT~~

1 from the trunk in front of 3901 Princely Way, Mr. Bailey's
2 residence.

3 A. Correct.

4 Q. Did you find -- what car were those guns recovered from?

5 A. They were in the Mercury Marauder.

6 Q. Did you find keys to that car in the house?

7 A. I did.

8 Q. Did you find a gun holster in the house?

9 A. I did.

10 Q. You were asked about how you were able to determine that
11 it was Jamal Lockley or T-Roy who you were intercepting in
12 those wire calls with Adrian Jamal Spence.

13 A. Correct.

14 Q. Was Mr. Lockley sometimes -- you mentioned that you
15 conducted surveillance. That was one of the ways that you
16 identified people?

17 A. Correct.

18 Q. Was Lockley also sometimes --

19 MR. TRAINOR: Objection to leading.

20 THE COURT: Sustained.

21 BY MS. HOFFMAN:

22 Q. Was Lockley ever referred to in the wiretap calls that you
23 listened to as T-Roy?

24 A. Yes.

25 Q. Was that one of the ways that you identified him as

~~FISHER - REDIRECT~~

1 Jamal Lockley?

2 **A.** Yes.

3 **Q.** Then you were asked a lot of questions about the text
4 exchanges in the extract from Mr. Torry's phone.

5 Do you remember that?

6 **A.** Correct.

7 **Q.** And I just wanted to direct your attention to Page 15.
8 And do you remember seeing the text message to Cream that says
9 [reading]: Okay. This Creams, question mark, question mark?

10 **A.** Yes.

11 **Q.** And do you remember seeing the response from Cream that
12 says [reading]: Yeah.

13 **A.** Yes.

14 **Q.** And you were asked a question about this text message
15 [reading]: It's like 10 left. They sayin' they didn't -- they
16 don't like it.

17 From Kreme.

18 Do you remember that?

19 **A.** Yes.

20 **Q.** And did you testify earlier that heroin varies in quality
21 depending on what it's cut with?

22 **A.** Yes.

23 **Q.** And what do you believe this text message to mean?

24 **A.** It sounds like he has 10 grams left, but the buyers don't
25 like it. Probably because of poor quality.

~~FISHER - RECROSS~~

MS. HOFFMAN: No further questions.

MS. WHALEN: Your Honor, in light of one of the questions, may I?

THE COURT: Sure.

RECROSS-EXAMINATION

BY MS. WHALEN:

Q. Detective, the holster was found on a kitchen counter with residency or documents of Dominick Wedlock; right?

A. I am not sure what documents were there, but I believe it was on the kitchen counter, yes.

Q. All right. Would a report refresh your recollection?

A. Yes.

MS. WHALEN: May I, Your Honor?

THE COURT: Yes, please.

BY MS. WHALEN:

Q. I'll point to 15 and 16 (indicating).

A. Okay.

Yes. Kitchen counter, residency for Dominick Wedlock and the gun holster.

Q. So there are papers in Dominick Wedlock's name with the gun holster on the counter; right?

A. Correct.

MS. WHALEN: Thank you, Your Honor.

THE COURT: Anything else?

MR. HAZLEHURST: Nothing on behalf of Mr. Davis,

~~CORBIN - DIRECT~~

1 Your Honor.

2 **THE COURT:** Thank you, sir. You're excused.

3 **THE WITNESS:** Thank you, Your Honor.

4 (Witness excused.)

5 **THE COURT:** The Government would like to call another
6 witness?

7 **MS. PERRY:** Yes, Your Honor. The Government calls
8 Officer Trae Corbin.

9 **THE CLERK:** Please raise your right hand.

10 POLICE OFFICER TRAE CORBIN, GOVERNMENT'S WITNESS, SWORN.

11 **THE CLERK:** Please be seated.

12 Please speak directly into the microphone.

13 State and spell your full name for the record, please.

14 **THE WITNESS:** Officer Trae -- Trae is spelled T-R-A-E;
15 last name, Corbin, C-O-R-B-I-N.

16 **THE CLERK:** Thank you.

17 DIRECT EXAMINATION

18 **BY MS. PERRY:**

19 **Q.** Good afternoon.

20 **A.** Good afternoon.

21 **Q.** What law enforcement agency do you work for?

22 **A.** Baltimore County.

23 **Q.** And how long have you been with the Baltimore County
24 Police Department?

25 **A.** Roughly five years.

~~CORBIN - DIRECT~~

1 Q. Can you tell us your unit and title.

2 A. I am out of the Woodlawn precinct, and I am currently in
3 patrol.

4 Q. Were you working for the Woodlawn precinct and were you on
5 patrol back in July of 2015?

6 A. Yes.

7 Q. Now, Officer, during your approximately five years with
8 the Baltimore County Police Department, have you had any
9 training in making drug-related arrests?

10 A. Yes.

11 Q. Can you briefly describe that training.

12 A. Just the normal through the academy and numerous narcotics
13 arrests.

14 Q. Officer, I want to direct your attention to July 3rd of
15 2015 at about 6:45 p.m.

16 Were you working on that date and time?

17 A. Yes.

18 Q. And where were you at approximately that time on July 3rd
19 of 2015?

20 A. I was currently in the area around Lord Baltimore and
21 Windsor Mill Road.

22 Q. And what were you doing in the area at that time?

23 A. At that time I was just on routine patrol.

24 Q. Did there come a time when you assisted another officer?

25 A. Yes.

~~CORBIN - DIRECT~~

1 Q. Can you tell us where you went.

2 A. The officer requested -- excuse me.

3 A narcotics officer came on the air and asked if an
4 officer can -- if an officer can assist in a traffic stop.

5 Q. And did there come a time when you arrived at a location
6 that a traffic stop was being conducted?

7 A. Yes.

8 Q. What did you observe when you arrived at that location?

9 A. A -- excuse me. A blue Lexus was pulled over.

10 Q. Can you describe what the Lexus looked like.

11 A. It was a blue, four-door sedan, heavily tinted Lexus.

12 Q. When you say "heavily tinted," can you describe.

13 A. I wasn't able to make out any of the parties inside of the
14 vehicle, if they were male, female.

15 Q. When you arrived and saw the Lexus, what did you do?

16 A. I approached on the passenger side.

17 Q. Could you see if anyone was in the vehicle?

18 A. All that I can see when I approached to the rear was I can
19 see a subject laying down in the back.

20 Q. What did you do when you saw the subject laying down in
21 the back of the car?

22 A. I immediately opened the door.

23 Q. What happened next?

24 A. I identified that it was a male subject that was laying
25 across the backseat.

~~CORBIN - DIRECT~~

1 Q. Did you later learn his identity?

2 A. Yes; his name is Shaquan Trusty.

3 Q. Was there anyone else inside the vehicle?

4 A. The driver.

5 Q. And do you know who the driver was?

6 A. It was identified as Tiffany Bailey.

7 Q. I'm going to show you Government's Exhibit IND-5.

8 Can you tell us who's depicted in IND-5.

9 A. This is Tiffany Bailey.

10 Q. Now, after you opened the door and identified the person
11 in the backseat, what did you do next?

12 A. I immediately smelled the odor of burnt marijuana. So I
13 went around the driver's side of the vehicle and spoke with the
14 driver of the vehicle.

15 Q. And what, if anything, did Ms. Bailey tell you when you
16 spoke with her?

17 A. She told me that she hadn't smoked marijuana in the car in
18 a while.

19 Q. What did you do next?

20 A. I told her the reason for the stop of -- excuse me.

21 I told her the reason for the stop, and she asked if I
22 wanted to exit -- if I wanted her to exit the vehicle.

23 Q. How did you respond?

24 A. I told her, "Yes."

25 Q. And did there come a time when you eventually searched the

~~CORBIN - DIRECT~~

vehicle?

A. Yes.

Q. What, if anything, did you recover?

A. In the back center console, there was one baggie containing another baggie that had a brownish rock -- excuse me, a brownish substance inside. And there was another baggie containing six -- approximately six small rock-like baggies as well inside.

Q. Based on your training and your experience in making drug arrests, what -- can you tell us what that quantity and the packaging of the drugs meant to you.

A. The way that they were packaged, they were packaged for distribution.

Q. And what made you believe that?

A. Due to them being separately packaged and individually in little, small packagings.

Q. After you recovered or after the drugs were recovered from the vehicle, did there come a time when you searched either of the passengers?

A. I searched Shaquan Trusty back at the precinct.

Q. And what, if anything, did you recover from Mr. Trusty?

A. In his right shoe, there was a white baggie -- excuse me, a -- one baggie containing nine small other baggies inside of it.

Q. And what was in those nine small baggies?

~~CORBIN - DIRECT~~

1 **A.** Cocaine.

2 **Q.** What about Ms. Bailey; was she searched?

3 **A.** She was searched; not by me.

4 **Q.** Now, I'm going to show you what's been marked as
5 Government's Exhibit D-6 (handing).

6 Do you recognize Government's Exhibit D-6?

7 **A.** Yes.

8 **Q.** What is it?

9 **A.** It's the evidence that was packaged on that night of the
10 arrest.

11 **Q.** And what's contained in D-6?

12 **A.** Cocaine and heroin and a rolled blunt and marijuana.

13 **Q.** And were these items ultimately submitted to the
14 Baltimore County lab for testing?

15 **A.** Yes.

16 **MS. PERRY:** Court's indulgence.

17 **BY MS. PERRY:**

18 **Q.** Officer Corbin, I do want to play you one call which has
19 come into evidence on Government's Exhibit JAIL-1. This is
20 Government's Exhibit J-16, and the transcript begins on Page 49
21 of the jail calls tab of the transcript binders.

22 I'm going to start by pulling up that transcript.

23 Officer, can you see the transcript on the screen in front
24 of you?

25 **A.** Somewhat. It's kind of blurry.

~~CORBIN - DIRECT~~

1 Q. Let me see if I can zoom it in here just to the top
2 portion.

3 Can you tell us the inmate that made this call.

4 A. Dante Bailey.

5 Q. And can you tell us the date of the call.

6 A. April 25th, 2015.

7 Q. And so this call was a couple of months before the
8 incident that you're just -- that you were just describing?

9 A. Yes.

10 Q. I'm going to play some portions of this call. It is a
11 rather lengthy call.

12 And when I start the call, I'm going to start it at about
13 1 minute and 20 seconds into the call.

14 (Audio was played but not reported.)

15 **BY MS. PERRY:**

16 Q. I'm going to pause it there and skip ahead. I'm skipping
17 approximately eight lines in the transcript to 4 minutes and
18 39 seconds into the call.

19 (Audio was played but not reported.)

20 **BY MS. PERRY:**

21 Q. I'm going to pause it there and jump down another couple
22 of lines and start again at 5:56 into the call.

23 (Audio was played but not reported.)

24 **MS. PERRY:** I'm going to jump down a couple of lines
25 towards the end of Page 52 of the transcript binder, 11 minutes

~~CORBIN - CROSS~~

1 and 12 seconds into the call.

2 (Audio was played but not reported.)

3 **MS. PERRY:** I'm going to jump ahead a few lines again
4 and start again at the top of Page 54 of the transcript at
5 13 minutes and 55 seconds in.

6 (Audio was played but not reported.)

7 **MS. PERRY:** I'm going to pause it there again and jump
8 ahead to the middle of Page 55 at 17:30 into the call.

9 (Audio was played but not reported.)

10 **MS. PERRY:** I'm going to pause there again and jump
11 ahead in the transcript to page -- to the bottom of Page 58 of
12 the transcript. This is 23:23 into the call.

13 (Audio was played but not reported.)

14 **BY MS. PERRY:**

15 **Q.** I'm going to stop the call at this point. It's about
16 27:42 into the call.

17 **MS. PERRY:** And I have no further questions for the
18 witness. Thank you.

19 **THE COURT:** All right. Thank you.

20 CROSS-EXAMINATION

21 **BY MS. WHALEN:**

22 **Q.** Detective, just a couple questions.

23 The suspected cocaine and heroin was in the backseat
24 and/or in the shoe of a Mr. Trusty; right?

25 **A.** One was in the shoe. The other one was just in the back,

~~CORBIN - CROSS~~

center console, yes.

Q. All right. And did you conduct or participate in a search warrant of his house, by any chance?

A. Yes; of --

THE CLERK: I need you to move --

THE WITNESS: Yes; of Dante Bailey's.

BY MS. WHALEN:

Q. I meant of Mr. Trusty. Pardon me.

A. No.

MS. WHALEN: Okay. Thank you, sir.

THE COURT: Okay. Anyone else?

(No response.)

THE COURT: Any redirect?

MS. PERRY: No, Your Honor. Thank you.

THE COURT: Okay. Thank you very much, sir. You're excused.

(Witness excused.)

THE COURT: And if I could see counsel just briefly.

(Bench conference on the record:

THE COURT: I was ready to stop for the day.

MS. HOFFMAN: That would be great. Thank you.

THE COURT: And tomorrow we're going to be resuming at 2 o'clock.

I'll send the jury out, and then you can tell me what we're anticipating for tomorrow.

1 **MS. HOFFMAN:** If we could perhaps send the defendants
2 out, too.

3 **THE COURT:** I'm sorry?

4 **MS. HOFFMAN:** If we could perhaps send the defendants
5 out, too, before telling you.

6 **THE COURT:** Well, if you want to say that you'll
7 just -- you have witnesses, but you'll be telling the defense
8 counsel?

9 **MS. HOFFMAN:** Yes. We already have. Yeah.

10 **THE COURT:** All right. Great.)

11 (Bench conference concluded.)

12 **THE COURT:** All right. We seem to be at a good
13 stopping point for the day, ladies and gentlemen.

14 As I think I mentioned to you yesterday, tomorrow will
15 be a half day. We're asking you to come back at 2 o'clock.

16 So usual instructions: Leave your notes here. Don't
17 talk about the case. Keep an open mind. We'll see you at
18 2 o'clock tomorrow. And it will be a full day Thursday, but
19 not Friday.

20 So thank you very much.

21 (Jury excused at 4:45 p.m.)

22 **THE COURT:** And as far as tomorrow, just a half day.
23 You'll advise defense counsel.

24 We are not expecting to get to the ballistics until
25 Thursday; is that --

1 **MS. HOFFMAN:** That's right. And I actually -- when I
2 made that prediction, I didn't realize that we were only
3 sitting for a half day tomorrow. So we may not get to
4 James Wagster on Thursday. It just depends how quickly we go
5 through the witnesses beforehand.

6 **THE COURT:** Okay. All right. Any issues anybody
7 wants to anticipate for tomorrow?

8 (No response.)

9 **THE COURT:** All right. We'll excuse the gallery.

10 (Pause.)

11 **THE COURT:** All right. We'll adjourn until tomorrow
12 at 2:00.

13 (Court adjourned at 4:47 p.m.)
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I, Douglas J. Zweizig, RDR, CRR, do hereby certify that
the foregoing is a correct transcript from the stenographic
record of proceedings in the above-entitled matter.

/s/

Douglas J. Zweizig, RDR, CRR, FCRR
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: November 13, 2019

Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

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